

MAR 15 2005
WAYS AND MEANS

HOUSE FILE 755
BY COMMITTEE ON NATURAL
RESOURCES

(SUCCESSOR TO HSB 250)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to wild animals, by providing for their
2 regulation, providing for fees and appropriations, and
3 providing for penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 755

1 Section 1. NEW SECTION. 717F.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Animal" means the same as defined in section 717A.1.

5 2. "Animal warden" means the same as defined in section
6 162.2.

7 3. "Conviction" means the same as defined in section
8 670A.1.

9 4. "Department" means the department of agriculture and
10 land stewardship.

11 5. "Local governmental entity" means any political
12 subdivision, or any state authority which is not the general
13 assembly or under the direction of a principal central
14 department as enumerated in section 7E.5, and which includes a
15 city as defined in section 362.2, a county as provided in
16 chapter 331, or any special purpose district.

17 6. "Local legislation" means any ordinance, motion,
18 resolution, amendment, regulation, or rule adopted by a local
19 governmental entity.

20 7. "Microchip" means an integrated circuit or
21 microprocessor, commonly referred to as a computer chip,
22 which, when implanted under the skin of an animal or otherwise
23 affixed to the animal as provided in section 717F.4, is
24 designed to store information regarding an animal or the
25 animal's owner in a digital format for access by a computer
26 peripheral such as a scanner.

27 8. "Possess" means to own, keep, harbor, or control an
28 animal, or supervise or provide for the care and feeding of
29 any animal, including any activity relating to confining,
30 handling, breeding, transporting, or exhibiting the animal.

31 9. "Veterinarian" means a person required to be licensed
32 or to hold a temporary permit pursuant to section 169.4.

33 10. a. "Wild animal", for animals of the class mammalia,
34 means any of the following:

35 (1) Of the order ariodactyla, a member of the family

1 hippopotamidae, and which includes hippopotami.

2 (2) Of the order carnivora, any of the following:

3 (a) A member of the family canidae other than domestic
4 dogs, and which includes but is not limited to wolves,
5 coyotes, and jackals.

6 (b) A member of the family felidae other than domestic
7 cats, and which includes but is not limited to lions, tigers,
8 cougars, leopards, cheetahs, ocelots, and servals.

9 (c) Any member of the family hyaenidae, which includes
10 hyenas.

11 (d) Any member of the family ursidae, which includes bears
12 and pandas.

13 (3) Of the order perissodactyla, which is a member of the
14 family rhinocerotidae which includes rhinoceroses; a member
15 of the family tapiridae which includes tapirs; and the family
16 equidae which is member of the species equus quagga, equus
17 zebra, or equus grevyi and which includes zebras. A member
18 does not include a member of the species equus caballus
19 including any horse, a member of the species equus asinus
20 including any donkey, or any hinny or mule.

21 (4) Of the order of primates other than humans, any member
22 of the following families: callitrichidae, cebidae,
23 cercopithecidae, cheirogaleidae, daubentoniidae, galagonidae,
24 hominidae, hylobatidae, indridae, lemuridae, loridae,
25 megaladapidae, or tarsiidae. A member includes but is not
26 limited to marmosets, tamarins, monkeys, lemurs, galagos,
27 bushbabies, great apes, gibbons, lesser apes, indris, sifakas,
28 and tarsiers.

29 (5) Of the order proboscidea, any member and which
30 includes elephants.

31 b. "Wild animal", for animals of the class reptilian,
32 means any of the following:

33 (1) Of the order squamata, any of the following:

34 (a) Only a member of the family varanidae which is limited
35 to water monitors and crocodile monitors.

1 (b) A member of the family atractaspidae and genus
2 atractaspis which includes but is not limited to mole vipers
3 or stiletto snakes; a member of the family heleodermatidae and
4 genus heloderma including but not limited to Mexican beaded
5 lizards and gila monsters.

6 (2) Of the order crocodylidae, a member of any family
7 including but not limited to alligators, caimans, crocodiles,
8 gavials, and gharials.

9 (3) Any member of a family, if the member is venomous,
10 including but not limited to an adder, asp, bushmaster, cobra,
11 copperhead, coral snake, cottonmouth, copperhead, death adder,
12 keelback snake, puff adder, mamba, or rattlesnake.

13 (4) A member of the family boidae which is limited to
14 anacondas, reticulated pythons, and African rock pythons.

15 c. "Wild animal" includes an animal which is the offspring
16 of an animal referred to in paragraph "a" or "b", a hybrid of
17 the union, or animals which are the offspring of each
18 subsequent generation. However, a "wild animal" does not
19 include the offspring of a wolf and a dog, a hybrid of the
20 union, or a subsequent generation.

21 11. "Wildlife sanctuary" means an organization exempt from
22 taxation pursuant to section 501(c) of the Internal Revenue
23 Code that operates a place of refuge where abused, neglected,
24 unwanted, impounded, abandoned, orphaned, or displaced wild
25 animals are provided care for their lifetime, if all of the
26 following apply:

27 a. The organization does not buy, sell, trade, auction,
28 lease, loan, or breed any animal of which the organization is
29 an owner, except as an integral part of the species survival
30 plan of the American zoo and aquarium association.

31 b. The organization is accredited by the American
32 sanctuary association, the American zoo and aquarium
33 association, or the association of sanctuaries.

34 Sec. 2. NEW SECTION. 717F.2 ADMINISTRATION AND
35 ENFORCEMENT.

1 1. The department and law enforcement officials employed
2 by local governmental entities shall administer and enforce
3 the provisions of this chapter. The department shall adopt
4 rules as provided in chapter 17A for the administration and
5 enforcement of this chapter.

6 2. An animal warden shall assist the department or a local
7 governmental entity in seizing or confiscating and maintaining
8 custody of wild animals.

9 Sec. 3. NEW SECTION. 717F.3 POSSESSION OF A WILD ANIMAL
10 -- PROHIBITIONS AND REQUIREMENTS.

11 1. Except as otherwise provided in this chapter, a person
12 shall not do any of the following:

13 a. Possess a wild animal, including by having the wild
14 animal in the person's control or custody.

15 b. Breed a wild animal with another animal.

16 c. Transport or cause to be transported a wild animal into
17 this state.

18 2. A person shall not possess a wild animal if the person
19 has falsified a permit application filed as required by
20 section 717F.5.

21 3. A person shall not release a wild animal.

22 4. If a person who possesses a wild animal is no longer
23 able to care for the wild animal, the person shall notify the
24 department and find long-term placement for the wild animal
25 with a wildlife sanctuary.

26 5. A veterinarian who provides care to a wild animal shall
27 notify the department, unless the identity of the veterinarian
28 is included in the application for a permit which is issued to
29 the person in possession of the wild animal as provided in
30 section 717F.5. However, nothing in this chapter shall
31 prohibit the veterinarian from providing care to the wild
32 animal.

33 Sec. 4. NEW SECTION. 717F.4 PERSONS POSSESSING WILD
34 ANIMAL ON THE EFFECTIVE DATE OF THIS ACT.

35 A person eighteen years of age or older who possesses a

1 wild animal on the effective date of this Act may continue to
2 possess the wild animal subject to all of the following:

3 1. The person was in legal possession of the wild animal
4 prior to the effective date of this Act and has had
5 uninterrupted possession of the wild animal on and after the
6 effective date of this Act.

7 2. Within sixty days from the effective date of this Act,
8 the person must have a microchip implanted beneath the skin of
9 the wild animal, unless a licensed veterinarian certifies in
10 writing that the implantation would endanger the comfort or
11 health of the wild animal. In such case, a microchip may be
12 otherwise attached to the wild animal by being inserted into
13 an ear tag which is affixed to the wild animal.

14 3. The person has not been subject to state action as
15 follows:

16 a. The person has not been convicted or found liable for
17 violation of local legislation prohibiting cruelty, neglect,
18 or mistreatment of an animal.

19 b. The person has not been convicted of a violation of
20 livestock abuse under section 717.1A or livestock neglect
21 under section 717.2, or a court has not ordered the
22 disposition of neglected livestock in the person's custody as
23 provided in section 717.5.

24 c. The person has not been convicted of a violation of
25 animal abuse under section 717B.2, animal neglect under
26 section 717B.3, animal torture under section 717B.3A, or a
27 court has not ordered the disposition of a rescued animal in
28 the person's custody as provided in section 717B.4.

29 d. The person has not been convicted of bestiality under
30 section 717C.1.

31 e. The person has not been convicted of an offense
32 relating to a contest event as provided in section 717D.2.

33 f. The person has not been convicted of advertising or
34 awarding a pet as a prize in violation of section 717E.2.

35 g. The person has not been convicted of an offense under

1 this chapter.

2 4. The person has not been convicted of any of the
3 following:

4 a. A felony for the previous ten years.

5 b. An offense involving illegal manufacture, use,
6 possession, sale, or an attempt to illegally manufacture, use,
7 possess, or sell a controlled substance as defined in section
8 124.101.

9 5. The person must be issued a permit by the department as
10 provided in section 717F.5.

11 Sec. 5. NEW SECTION. 717F.5 PERMIT ISSUANCE.

12 1. A person shall not possess a wild animal unless the
13 department issues the person a permit according to rules
14 adopted by the department. A permit shall authorize a person
15 issued the permit to possess a wild animal according to the
16 terms and conditions of the permit.

17 2. A person must apply to the department for a permit
18 using a form prepared by the department. The person must
19 submit an application to the department on a biannual basis
20 not later than July 1. The application form shall include
21 room for all of the following information which must be
22 provided by the registrant:

23 a. The person's name, address, and telephone number.

24 b. A verification that the person is at least eighteen
25 years of age.

26 c. The person's sworn affidavit that the person has not
27 been subject to state action involving the welfare of an
28 animal or a conviction involving a felony or controlled
29 substance as provided in this section.

30 d. A complete inventory of each wild animal that the
31 person possesses. The inventory shall include all of the
32 following information:

33 (1) The number of wild animals in the person's possession
34 according to species.

35 (2) The approximate age, sex, color, weight, scars, and

1 any distinguishing marks of each wild animal.

2 (3) A recent photograph of each wild animal.

3 (4) The name, address, and telephone number of the
4 licensed veterinarian providing care to each wild animal. The
5 registration shall include a statement by the licensed
6 veterinarian certifying that each wild animal is in good
7 health.

8 (5) The manufacturer and manufacturer's number of the
9 microchip implanted beneath the skin or attached to each
10 animal as provided in this section.

11 (6) The location where each wild animal is kept. A person
12 who possesses a wild animal must notify the department in
13 writing within ten days of a change in address or location
14 where the wild animal is kept.

15 The department may charge an application fee which shall
16 not exceed five hundred dollars for each animal in the
17 person's possession. The department is appropriated and may
18 retain moneys collected in registration fees for the
19 administration and enforcement of this chapter.

20 Sec. 6. NEW SECTION. 717F.6 PERMIT CONDITIONS --
21 REVOCATION OR MODIFICATION.

22 1. A person who possesses a wild animal pursuant to a
23 permit issued by the department pursuant to section 717F.5
24 shall comply with all of the following:

25 a. The person shall maintain health and ownership records
26 for each wild animal in the person's possession for the life
27 of the wild animal.

28 b. The person shall confine each wild animal on the
29 person's premises as required by the department. The person
30 shall not allow a wild animal outside of the person's premises
31 unless the wild animal is moved for any of the following:

32 (1) To receive veterinary care from a licensed
33 veterinarian.

34 (2) To comply with the directions of the department or an
35 animal warden.

1 c. The person shall display at least one sign on the
2 person's premises where a wild animal is kept warning the
3 public that the wild animal is confined there. The sign shall
4 include a symbol warning children of the presence of the wild
5 animal.

6 d. The person shall immediately notify an animal warden or
7 other local law enforcement official of any escape of a wild
8 animal.

9 2. The department may revoke a permit if a person violates
10 a term or condition of a permit or a provision of this
11 chapter. The department may modify a term or condition of a
12 permit if any of the following apply:

13 a. To make the permit conform to a rule adopted by the
14 department.

15 b. In response to any of the following:

16 (1) A violation of a provision of this chapter or a
17 condition of the permit.

18 (2) A failure to meet approved care and husbandry
19 practices as provided in rules adopted by the department. The
20 rules shall be based on guidelines recommended by consultants
21 of the American zoo and aquarium association.

22 3. The department's decision to revoke or modify a permit
23 shall be deemed a contested case proceeding under chapter 17A.
24 The permitted person shall retain custody of the wild animal
25 until the department's final agency action. However, the
26 department may temporarily remove the wild animal prior to a
27 hearing as provided in section 17A.18A, if the department
28 determines that the wild animal's health or welfare may be
29 compromised or public safety may be jeopardized. The
30 department may place the wild animal in the custody of any of
31 the following:

32 a. An incorporated humane society.

33 b. A licensed veterinarian.

34 c. A state agency or local governmental entity which has
35 the capability to care for the wild animal.

1 d. A person who has been issued a permit under section
2 717F.5.

3 e. A person who is exempt from this chapter as enumerated
4 in section 717F.8.

5 Sec. 7. NEW SECTION. 717F.7 CONFISCATION AND
6 DISPOSITION.

7 1. The department or law enforcement official of a local
8 governmental entity may confiscate a wild animal which is
9 possessed in violation of this chapter, including a condition
10 of a permit issued pursuant to section 717F.6. A court in the
11 county where the wild animal is kept shall order the
12 disposition of the wild animal in the same manner as provided
13 for the disposition of an animal pursuant to section 717B.4.
14 The person possessing the wild animal shall have the same
15 procedural rights as the owner of an animal under that
16 section.

17 2. The department or local governmental entity may dispose
18 of a wild animal that it has confiscated as follows:

19 a. The department or local governmental entity may
20 transfer the wild animal to any of the following:

21 (1) An institution accredited by the American zoo and
22 aquarium association.

23 (2) A wildlife sanctuary.

24 (3) A licensed or accredited facility where the wild
25 animal is to be kept for educational or scientific purposes,
26 including a research facility as defined in section 162.2.
27 The facility must be inspected and approved by the department.

28 3. The department or a local governmental entity shall
29 destroy a wild animal that is permanently distressed by
30 disease or injury to a degree that would result in severe and
31 prolonged suffering to the wild animal. The department or
32 local governmental entity shall destroy the animal by
33 euthanasia as defined in section 162.2.

34 Sec. 8. NEW SECTION. 717F.8 EXEMPTIONS.

35 This chapter does not apply to any of the following:

- 1 1. An institution accredited by the American zoo and
2 aquarium association.
- 3 2. A wildlife sanctuary.
- 4 3. A licensed or accredited facility where the wild animal
5 is to be kept for educational or scientific purposes,
6 including a research facility as defined in section 162.2.
7 The facility must be inspected and approved by the department.
- 8 4. A location operated by a person licensed to practice
9 veterinary medicine pursuant to chapter 169.
- 10 5. A pound as defined in section 162.2.
- 11 6. An animal shelter as defined in section 162.2.
- 12 7. A person temporarily transporting a wild animal through
13 this state if the transit time is not more than ninety-six
14 hours and the wild animal is at all times maintained within a
15 confinement sufficient to prevent the wild animal from
16 escaping.

17 Sec. 9. NEW SECTION. 717F.9 LIABILITY.

- 18 1. A person who possesses a wild animal is strictly liable
19 for any damages or injury incurred by a person resulting from
20 an act by the wild animal.
- 21 2. A person who intentionally releases a wild animal in
22 violation of section 717F.3 is liable for all expenses related
23 to the capture of the wild animal.

24 Sec. 10. NEW SECTION. 717F.10 PENALTIES.

- 25 1. A person who violates a provision of this chapter is
26 subject to a civil penalty of not less than two hundred
27 dollars and not more than two thousand dollars for each animal
28 which is the subject of the violation. Each day that a
29 violation continues shall be considered a separate offense.
- 30 2. a. Except as provided in paragraph "b", a person who
31 violates a provision of this chapter is guilty of a serious
32 misdemeanor.
- 33 b. A person who intentionally releases a wild animal in
34 violation of section 717F.3 is guilty of an aggravated
35 misdemeanor.

1 convicted of any offense involving a controlled substance.
2 The bill also requires that the person apply to the department
3 and obtain a permit issued by the department as provided in
4 the bill.

5 The bill provides for the seizure, custody, and disposition
6 of a wild animal which is kept in violation of the bill's
7 provisions, including the terms and conditions of a permit.
8 The department may take an administrative action and
9 temporarily seize the wild animal. However, a court must
10 order the permanent confiscation of a wild animal and the
11 hearing must occur on an expedited basis.

12 The bill provides for the disposition of a wild animal that
13 it has confiscated. It provides that the department or local
14 governmental entity may transfer the wild animal to an
15 organization or institution which provides care for such
16 animals such as an institution accredited by the American zoo
17 and aquarium association or a wildlife sanctuary.

18 The bill exempts a number of persons from its provisions,
19 namely, an institution accredited by the American zoo and
20 aquarium association, a wildlife sanctuary, a research
21 facility, a location operated by a veterinarian, a pound, or
22 an animal shelter. It also exempts a person who is
23 temporarily transporting a wild animal through the state.

24 A person who possesses a wild animal is strictly liable for
25 any damages or injury incurred by a person resulting from an
26 act by the wild animal. A person who intentionally releases a
27 wild animal in violation of the bill is liable for all
28 expenses related to the wild animal's capture.

29 The bill also requires that a person who possesses a wild
30 animal must provide the department with information about the
31 person and wild animal within 60 days of the enactment of the
32 Act.

33 A person who violates a provision of the bill is subject to
34 a civil penalty of not less than \$200 and not more than \$2,000
35 for each wild animal which is the subject of the violation.

1 Each day that a violation continues is considered a separate
2 offense. Generally, a person who violates a provision of the
3 bill is guilty of a serious misdemeanor. However, a person
4 who intentionally releases a wild animal is guilty of an
5 aggravated misdemeanor. A serious misdemeanor is punishable
6 by confinement for no more than one year and a fine of at
7 least \$250 but not more than \$1,500. An aggravated
8 misdemeanor is punishable by confinement for no more than two
9 years and a fine of at least \$500 but not more than \$5,000.

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Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 755 - Wild Animal Regulation (LSB 2554 HV)

Analyst: Debra Kozel (Phone: (515) 281-6767) (deb.kozel@legis.state.ia.us)

Fiscal Note Version - New

Description

House File 755 creates a new section in the Code of Iowa for the regulation of wild animals to be administered by the Department of Agriculture and Land Stewardship in coordination with local governments. The Bill creates new crimes, and imposes a serious or aggravated misdemeanor offense for those crimes.

Background

The Bill prohibits persons from owning, breeding, or releasing wild animals, but allows a person previously owning wild animals to maintain ownership if specific requirements are met and a microchip is implanted. In addition, the animals must be registered with the Department, complete with payment of a permit fee every two years. The fee amount is not specified but is limited to \$500 per wild animal. The Bill makes other provisions for penalties, damages, and the process for the disposition of animals owned illegally. The average State costs for one serious misdemeanor conviction ranges from \$101 (court costs) to \$4,100 (court costs, jury trial, indigent defense, prison, and parole). The average State costs for one aggravated misdemeanor conviction ranges from \$1,100 (court costs and probation) to \$5,700 (court costs, jury trial, indigent defense, prison, and parole). The maximum costs will be incurred across multiple years while the offender is supervised in the correctional system, either in prison or in the community.

Assumptions

1. It is estimated that 2.00 FTE positions will be needed to implement this program. This includes a veterinarian and a livestock inspector. Salaries are estimated at \$101,000 for FY 2006 and \$106,000 for FY 2007.
2. First year equipment costs are estimated at \$37,000, with the purchase of two vehicles at \$32,000 and two computers at \$5,000.
3. Estimated annual expenditures for travel and miscellaneous expenses are \$17,000 per year.
4. The number of wild animals in possession is unknown. Assuming a \$500 permit fee, 311 permits would have to be issued in the first year to cover the estimated program costs.

Correctional Impact

The creation of new offenses carries the potential for a correctional impact on court caseloads, prisons, county jails, Community-Based Corrections (CBC) and indigent defense resources. However, due to a lack of data, that correctional impact cannot be estimated.

Fiscal Impact

The fiscal impact of HF 755 is an increase in expenditures of \$155,000 and 2.00 FTE positions for FY 2006 and an increase of \$123,000 for FY 2007 and each year thereafter. The fiscal impact of the creation of new crimes cannot be estimated due to insufficient information.

Sources

Department of Agriculture and Land Stewardship
Department of Human Rights, Criminal and Juvenile Justice Planning Division

/s/ Holly M. Lyons

April 4, 2005

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

*Tom Fassen
Flemmussen
Whitehead*

HSB 250
NATURAL RESOURCES

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
NATURAL RESOURCES BILL
BY CHAIRPERSON FREEMAN)

Succeeded By
SF 0755

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to wild animals, by providing for their
2 regulation, providing for fees and appropriations, and
3 providing for penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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9 4. "Department" means the department of agriculture and
10 land stewardship.

11 5. "Local governmental entity" means any political
12 subdivision, or any state authority which is not the general
13 assembly or under the direction of a principal central
14 department as enumerated in section 7E.5, and which includes a
15 city as defined in section 362.2, a county as provided in
16 chapter 331, or any special purpose district.

17 6. "Local legislation" means any ordinance, motion,
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20 7. "Microchip" means an integrated circuit or
21 microprocessor, commonly referred to as a computer chip,
22 which, when implanted under the skin of an animal or otherwise
23 affixed to the animal as provided in section 717F.4, is
24 designed to store information regarding an animal or the
25 animal's owner in a digital format for access by a computer
26 peripheral such as a scanner.

27 8. "Possess" means to own, keep, harbor, or control an
28 animal, or supervise or provide for the care and feeding of
29 any animal, including any activity relating to confining,
30 handling, breeding, transporting, or exhibiting the animal.

31 9. a. "Wild animal", for animals of the class mammalia,
32 means any of the following:

33 (1) Of the order ariodactyla, a member of the family
34 hippopotamidae, and which includes hippopotami.

35 (2) Of the order carnivora, any of the following:

1 (a) A member of the family canidae other than domestic
2 dogs, and which includes but is not limited to wolves,
3 coyotes, and jackals.

4 (b) A member of the family felidae other than domestic
5 cats, and which includes but is not limited to lions, tigers,
6 cougars, leopards, cheetahs, ocelots, and servals.

7 (c) Any member of the family hyaenidae, which includes
8 hyenas.

9 (d) Any member of the family ursidae, which includes bears
10 and pandas.

11 (3) Of the order perissodactyla, which is a member of the
12 family rhinocerotidae which includes rhinoceroses; a member
13 of the family tapiridae which includes tapirs; and the family
14 equidae which is member of the species equus quagga, equus
15 zebra, or equus grevyi and which includes zebras. A member
16 does not include a member of the species equus caballus
17 including any horse, a member of the species equus asinus
18 including any donkey, or any hinny or mule.

19 (4) Of the order of primates other than humans, any member
20 of the following families: callitrichidae, cebidae,
21 cercopithecidae, cheirogaleidae, daubentoniidae, galagonidae,
22 hominidae, hylobatidae, indridae, lemuridae, loridae,
23 megaladapidae, or tarsiidae. A member includes but is not
24 limited to marmosets, tamarins, monkeys, lemurs, galagos,
25 bushbabies, great apes, gibbons, lesser apes, indris, sifakas,
26 and tarsiers.

27 (5) Of the order proboscidea, any member and which
28 includes elephants.

29 b. "Wild animal", for animals of the class reptilian,
30 means any of the following:

31 (1) Of the order squamata, any of the following:

32 (a) Only a member of the family varanidae which is limited
33 to water monitors and crocodile monitors.

34 (b) A member of the family atractaspidae and genus
35 atractaspis which includes but is not limited to mole vipers

1 or stiletto snakes; a member of the family heleodermatidae and
2 genus heloderma including but not limited to Mexican beaded
3 lizards and gila monsters.

4 (2) Of the order crocodylidae, a member of any family
5 including but not limited to alligators, caimans, crocodiles,
6 gavials, and gharials.

7 (3) Any member of a family, if the member is venomous,
8 including but not limited to an adder, asp, bushmaster, cobra,
9 copperhead, coral snake, cottonmouth, copperhead, death adder,
10 keelback snake, puff adder, mamba, or rattlesnake.

11 (4) A member of the family boidae which is limited to
12 anacondas, reticulated pythons, and African rock pythons.

13 c. "Wild animal" includes an animal which is the offspring
14 of an animal referred to in paragraph "a" or "b", a hybrid of
15 the union, or animals which are the offspring of each
16 subsequent generation. However, a "wild animal" does not
17 include the offspring of a wolf and a dog, a hybrid of the
18 union, or a subsequent generation.

19 10. "Wildlife sanctuary" means an organization exempt from
20 taxation pursuant to section 501(c) of the Internal Revenue
21 Code that operates a place of refuge where abused, neglected,
22 unwanted, impounded, abandoned, orphaned, or displaced wild
23 animals are provided care for their lifetime, if all of the
24 following apply:

25 a. The organization does not buy, sell, trade, auction,
26 lease, loan, or breed any animal of which the organization is
27 an owner, except as an integral part of the species survival
28 plan of the American zoo and aquarium association.

29 b. The organization is accredited by the American
30 sanctuary association, the American zoo and aquarium
31 association, or the association of sanctuaries.

32 Sec. 2. NEW SECTION. 717F.2 ADMINISTRATION AND
33 ENFORCEMENT.

34 1. The department and law enforcement officials employed
35 by local governmental entities shall administer and enforce

1 the provisions of this chapter. The department shall adopt
2 rules as provided in chapter 17A for the administration and
3 enforcement of this chapter.

4 2. An animal warden shall assist the department or a local
5 governmental entity in seizing or confiscating and maintaining
6 custody of wild animals.

7 Sec. 3. NEW SECTION. 717F.3 POSSESSION OF A WILD ANIMAL
8 -- PROHIBITIONS AND REQUIREMENTS.

9 1. Except as otherwise provided in this chapter, a person
10 shall not do any of the following:

11 a. Possess a wild animal, including by having the wild
12 animal in the person's control or custody.

13 b. Breed a wild animal with another animal.

14 c. Transport or cause to be transported a wild animal into
15 this state.

16 2. A person shall not possess a wild animal if the person
17 has falsified a permit application filed as required by
18 section 717F.5.

19 3. A person shall not release a wild animal.

20 4. If a person who possesses a wild animal is no longer
21 able to care for the wild animal, the person shall notify the
22 department and find long-term placement for the wild animal
23 with a wildlife sanctuary.

24 Sec. 4. NEW SECTION. 717F.4 PERSONS POSSESSING WILD
25 ANIMAL ON THE EFFECTIVE DATE OF THIS ACT.

26 A person eighteen years of age or older who possesses a
27 wild animal on the effective date of this Act may continue to
28 possess the wild animal subject to all of the following:

29 1. The person was in legal possession of the wild animal
30 prior to the effective date of this Act and has had
31 uninterrupted possession of the wild animal on and after the
32 effective date of this Act.

33 2. Within sixty days from the effective date of this Act,
34 the person must have a microchip implanted beneath the skin of
35 the wild animal, unless a licensed veterinarian certifies in

1 writing that the implantation would endanger the comfort or
2 health of the wild animal. In such case, a microchip may be
3 otherwise attached to the wild animal by being inserted into
4 an ear tag which is affixed to the wild animal.

5 3. The person has not been subject to state action as
6 follows:

7 a. The person has not been convicted or found liable for
8 violation of local legislation prohibiting cruelty, neglect,
9 or mistreatment of an animal.

10 b. The person has not been convicted of a violation of
11 livestock abuse under section 717.1A or livestock neglect
12 under section 717.2, or a court has not ordered the
13 disposition of neglected livestock in the person's custody as
14 provided in section 717.5.

15 c. The person has not been convicted of a violation of
16 animal abuse under section 717B.2, animal neglect under
17 section 717B.3, animal torture under section 717B.3A, or a
18 court has not ordered the disposition of a rescued animal in
19 the person's custody as provided in section 717B.4.

20 d. The person has not been convicted of bestiality under
21 section 717C.1.

22 e. The person has not been convicted of an offense
23 relating to a contest event as provided in section 717D.2.

24 f. The person has not been convicted of advertising or
25 awarding a pet as a prize in violation of section 717E.2.

26 g. The person has not been convicted of an offense under
27 this chapter.

28 4. The person has not been convicted of any of the
29 following:

30 a. A felony for the previous ten years.

31 b. An offense involving illegal manufacture, use,
32 possession, sale, or an attempt to illegally manufacture, use,
33 possess, or sell a controlled substance as defined in section
34 124.101.

35 5. The person must be issued a permit by the department as

1 provided in section 717F.5.

2 Sec. 5. NEW SECTION. 717F.5 PERMIT ISSUANCE.

3 1. A person shall not possess a wild animal unless the
4 department issues the person a permit according to rules
5 adopted by the department. A permit shall authorize a person
6 issued the permit to possess a wild animal according to the
7 terms and conditions of the permit.

8 2. A person must apply to the department for a permit
9 using a form prepared by the department. The person must
10 submit an application to the department on a biannual basis
11 not later than July 1. The application form shall include
12 room for all of the following information which must be
13 provided by the registrant:

14 a. The person's name, address, and telephone number.

15 b. A verification that the person is at least eighteen
16 years of age.

17 c. The person's sworn affidavit that the person has not
18 been subject to state action involving the welfare of an
19 animal or a conviction involving a felony or controlled
20 substance as provided in this section.

21 d. A complete inventory of each wild animal that the
22 person possesses. The inventory shall include all of the
23 following information:

24 (1) The number of wild animals in the person's possession
25 according to species.

26 (2) The approximate age, sex, color, weight, scars, and
27 any distinguishing marks of each wild animal.

28 (3) A recent photograph of each wild animal.

29 (4) The name, address, and telephone number of the
30 licensed veterinarian providing care to each wild animal. The
31 registration shall include a statement by the licensed
32 veterinarian certifying that each wild animal is in good
33 health.

34 (5) The manufacturer and manufacturer's number of the
35 microchip implanted beneath the skin or attached to each

1 animal as provided in this section.

2 (6) The location where each wild animal is kept. A person
3 who possesses a wild animal must notify the department in
4 writing within ten days of a change in address or location
5 where the wild animal is kept.

6 The department may charge an application fee which shall
7 not exceed five hundred dollars for each animal in the
8 person's possession. The department is appropriated and may
9 retain moneys collected in registration fees for the
10 administration and enforcement of this chapter.

11 Sec. 6. NEW SECTION. 717F.6 PERMIT CONDITIONS --
12 REVOCATION OR MODIFICATION.

13 1. A person who possesses a wild animal pursuant to a
14 permit issued by the department pursuant to section 717F.5
15 shall comply with all of the following:

16 a. The person shall maintain health and ownership records
17 for each wild animal in the person's possession for the life
18 of the wild animal.

19 b. The person shall confine each wild animal on the
20 person's premises as required by the department. The person
21 shall not allow a wild animal outside of the person's premises
22 unless the wild animal is moved for any of the following:

23 (1) To receive veterinary care from a licensed
24 veterinarian.

25 (2) To comply with the directions of the department or an
26 animal warden.

27 c. The person shall display at least one sign on the
28 person's premises where a wild animal is kept warning the
29 public that the wild animal is confined there. The sign shall
30 include a symbol warning children of the presence of the wild
31 animal.

32 d. The person shall immediately notify an animal warden or
33 other local law enforcement official of any escape of a wild
34 animal.

35 2. The department may revoke a permit if a person violates

1 a term or condition of a permit or a provision of this
2 chapter. The department may modify a term or condition of a
3 permit if any of the following apply:

4 a. To make the permit conform to a rule adopted by the
5 department.

6 b. In response to any of the following:

7 (1) A violation of a provision of this chapter or a
8 condition of the permit.

9 (2) A failure to meet approved care and husbandry
10 practices as provided in rules adopted by the department. The
11 rules shall be based on guidelines recommended by consultants
12 of the American zoo and aquarium association.

13 3. The department's decision to revoke or modify a permit
14 shall be deemed a contested case proceeding under chapter 17A.
15 The permitted person shall retain custody of the wild animal
16 until the department's final agency action. However, the
17 department may temporarily remove the wild animal prior to a
18 hearing as provided in section 17A.18A, if the department
19 determines that the wild animal's health or welfare may be
20 compromised or public safety may be jeopardized. The
21 department may place the wild animal in the custody of any of
22 the following:

23 a. An incorporated humane society.

24 b. A licensed veterinarian.

25 c. A state agency or local governmental entity which has
26 the capability to care for the wild animal.

27 d. A person who has been issued a permit under section
28 717F.5.

29 e. A person who is exempt from this chapter as enumerated
30 in section 717F.8.

31 Sec. 7. NEW SECTION. 717F.7 CONFISCATION AND
32 DISPOSITION.

33 1. The department or law enforcement official of a local
34 governmental entity may confiscate a wild animal which is
35 possessed in violation of this chapter, including a condition

1 of a permit issued pursuant to section 717F.6. A court in the
2 county where the wild animal is kept shall order the
3 disposition of the wild animal in the same manner as provided
4 for the disposition of an animal pursuant to section 717B.4.
5 The person possessing the wild animal shall have the same
6 procedural rights as the owner of an animal under that
7 section.

8 2. The department or local governmental entity may dispose
9 of a wild animal that it has confiscated as follows:

10 a. The department or local governmental entity may
11 transfer the wild animal to any of the following:

12 (1) An institution accredited by the American zoo and
13 aquarium association.

14 (2) A wildlife sanctuary.

15 (3) A licensed or accredited facility where the wild
16 animal is to be kept for educational or scientific purposes,
17 including a research facility as defined in section 162.2.
18 The facility must be inspected and approved by the department.

19 3. The department or a local governmental entity shall
20 destroy a wild animal that is permanently distressed by
21 disease or injury to a degree that would result in severe and
22 prolonged suffering to the wild animal. The department or
23 local governmental entity shall destroy the animal by
24 euthanasia as defined in section 162.2.

25 Sec. 8. NEW SECTION. 717F.8 EXEMPTIONS.

26 This chapter does not apply to any of the following:

27 1. An institution accredited by the American zoo and
28 aquarium association.

29 2. A wildlife sanctuary.

30 3. A licensed or accredited facility where the wild animal
31 is to be kept for educational or scientific purposes,
32 including a research facility as defined in section 162.2.
33 The facility must be inspected and approved by the department.

34 4. A location operated by a person licensed to practice
35 veterinary medicine pursuant to chapter 169.

1 5. A pound as defined in section 162.2.

2 6. An animal shelter as defined in section 162.2.

3 7. A person temporarily transporting a wild animal through
4 this state if the transit time is not more than ninety-six
5 hours and the wild animal is at all times maintained within a
6 confinement sufficient to prevent the wild animal from
7 escaping.

8 Sec. 9. NEW SECTION. 717F.9 LIABILITY.

9 1. A person who possesses a wild animal is strictly liable
10 for any damages or injury incurred by a person resulting from
11 an act by the wild animal.

12 2. A person who intentionally releases a wild animal in
13 violation of section 717F.3 is liable for all expenses related
14 to the capture of the wild animal.

15 Sec. 10. NEW SECTION. 717F.10 PENALTIES.

16 1. A person who violates a provision of this chapter is
17 subject to a civil penalty of not less than two hundred
18 dollars and not more than two thousand dollars for each animal
19 which is the subject of the violation. Each day that a
20 violation continues shall be considered a separate offense.

21 2. a. Except as provided in paragraph "b", a person who
22 violates a provision of this chapter is guilty of a serious
23 misdemeanor.

24 b. A person who intentionally releases a wild animal in
25 violation of section 717F.3 is guilty of an aggravated
26 misdemeanor.

27 Sec. 11. NOTIFICATION. A person who possesses a wild
28 animal shall notify the department of agriculture and land
29 stewardship within sixty days after the effective date of this
30 Act of all information required to be submitted as part of an
31 application for a permit under this Act.

32 EXPLANATION

33 This bill creates a new Code chapter 717F, which regulates
34 the possession of wild animals which are defined to include
35 hippopotami, wolves, coyotes, and jackals, bears and pandas,

1 tapirs, zebras, marmosets, tamarins, monkeys, lemurs, galagos,
2 bushbabies, great apes, gibbons, lesser apes, indris, sifakas,
3 and tarsiers, water monitors, crocodile monitors, alligators,
4 caimans, crocodiles, gavials, and gharials, and venomous
5 snakes such as adders, asps, bushmasters, cobras, copperheads,
6 coral snakes, cottonmouths, copperheads, death adders,
7 keelback snakes, puff adders, mambas, or rattlesnakes, and
8 certain boas and pythons.

9 The department of agriculture and land stewardship is
10 charged with administering the bill's provisions, with local
11 governmental entities. Generally, the bill makes it a
12 criminal offense to possess a wild animal, with certain
13 exceptions. The bill specifically allows a person to possess
14 a wild animal if the person has possession of the wild animal
15 on the effective date of the bill. The person has 60 days in
16 order to have a microchip implanted beneath the skin or
17 attached to a tag affixed to the ear of the wild animal. The
18 person cannot have been subject to state action involving the
19 abuse or neglect of an animal. The person cannot have been
20 convicted of a felony in the previous 10 years or been
21 convicted of any offense involving a controlled substance.
22 The bill also requires that the person apply to the department
23 and obtain a permit issued by the department.

24 The bill provides for the seizure, custody, and disposal of
25 a wild animal which is kept in violation of the bill's
26 provisions, including the terms and conditions of a permit.
27 The department may take an administrative action and
28 temporarily seize the wild animal. However, a court must
29 order the permanent confiscation of a wild animal and the
30 hearing must occur on an expedited basis.

31 The bill provides for the disposition of a wild animal that
32 it has confiscated. It provides that the department or local
33 governmental entity may transfer the wild animal to an
34 organization or institution which provides care for such
35 animals such as an institution accredited by the American zoo

1 and aquarium association or a wildlife sanctuary.

2 The bill exempts a number of persons from its provisions,
3 namely, an institution accredited by the American zoo and
4 aquarium association, a wildlife sanctuary, a research
5 facility, a location operated by a veterinarian, a pound, or
6 an animal shelter. It also exempts a person who is
7 temporarily transporting a wild animal through the state.

8 A person who possesses a wild animal is strictly liable for
9 any damages or injury incurred by a person resulting from an
10 act by the wild animal. A person who intentionally releases a
11 wild animal in violation of the bill is liable for all
12 expenses related to the wild animal's capture.

13 The bill also requires that a person who possesses a wild
14 animal must provide the department with information about the
15 person and wild animal within 60 days of the enactment of the
16 Act.

17 A person who violates a provision of the bill is subject to
18 a civil penalty of not less than \$200 and not more than \$2,000
19 for each animal which is the subject of the violation. Each
20 day that a violation continues is considered a separate
21 offense. Generally, a person who violates a provision of the
22 bill is guilty of a serious misdemeanor. However, a person
23 who intentionally releases a wild animal is guilty of an
24 aggravated misdemeanor. A serious misdemeanor is punishable
25 by confinement for no more than one year and a fine of at
26 least \$250 but not more than \$1,500. An aggravated
27 misdemeanor is punishable by confinement for no more than two
28 years and a fine of at least \$500 but not more than \$5,000.

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