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SENATE FILE

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NAT. RES. & ENVIRONMENT

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to dangerous animals, including by regulating the
2 possession of those animals, requiring registration of the
3 animals, and providing penalties.

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

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SF 14

NAT. RES. & ENVIRONMENT

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

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

4 1. a. "Dangerous animal" means any of the following:

5 (1) A member of the felidae family of the order carnivora
6 including, but not limited to, lions, tigers, cougars,
7 leopards, cheetahs, ocelots, and servals. However, a
8 dangerous animal does not include cats recognized as a
9 domestic breed, including but not limited to cats shown as a
10 domestic breed by a registry association recognized by the
11 department.

12 (2) A member of the ursidae family of the order carnivora,
13 including bears and pandas.

14 (3) A member of the order of primates other than humans,
15 and including the following families: callitrichiadae,
16 cabidae, cercopithecidae, cheirogaleidae, daubentoniidae,
17 galagonidae, hominidae, hylobatidae, indridae, lemuridae,
18 loridae, megaladapidae, or tarsiidae. A member includes but
19 is not limited to marmosets, tamarins, monkeys, lemurs,
20 galagos, bushbabies, great apes, gibbons, lesser apes, indris,
21 sifakas, and tarsiers.

22 b. "Dangerous animal" includes an animal which is the
23 offspring of an animal provided in paragraph "a", and another
24 animal provided in that paragraph or any other animal. It
25 also includes animals which are the offspring of each
26 subsequent generation.

27 2. "Department" means the department of natural resources
28 created in section 455A.2.

29 3. "Electronic identification device" means a device which
30 when installed is designed to store information regarding an
31 animal or the animal's owner in a digital format which may be
32 accessed by a computer for purposes of reading or manipulating
33 the information.

34 4. "Possess" means to own, keep, or control an animal, or
35 supervise or provide for the care and feeding of any animal,

1 including any activity relating to confining, handling,
2 breeding, transporting, or exhibiting the animal.

3 5. "Wildlife sanctuary" means an organization exempt from
4 taxation pursuant to section 501c of the Internal Revenue Code
5 that operates a place of refuge where abused, neglected,
6 unwanted, impounded, abandoned, orphaned, or displaced
7 wildlife are provided care for their lifetime, if all of the
8 following apply:

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

13 b. The organization is accredited by the American
14 sanctuary association, the association of sanctuaries, the
15 world association of 2005 and aquariums, or another similar
16 organization recognized by the department.

17 Sec. 2. NEW SECTION. 717F.2 RULEMAKING -- 28E AGREEMENTS
18 -- ASSISTANCE OF ANIMAL WARDEN.

19 1. The department shall administer this chapter by doing
20 all of the following:

21 a. Adopting rules as provided in chapter 17A for the
22 administration and enforcement of this chapter.

23 b. Entering into agreements pursuant to chapter 28E as the
24 department determines necessary for the administration and
25 enforcement of this chapter.

26 2. An animal warden as defined in section 162.2 shall
27 assist the department in seizing and maintaining custody of
28 dangerous animals.

29 Sec. 3. NEW SECTION. 717F.3 POSSESSION OF A DANGEROUS
30 ANIMAL -- PROHIBITIONS.

31 A person shall not do any of the following:

32 1. Possess a dangerous animal except as otherwise provided
33 in this chapter.

34 2. Allow a dangerous animal in the person's possession to
35 breed.

1 3. Transport a dangerous animal into this state.

2 Sec. 4. NEW SECTION. 717F.4 PERSONS POSSESSING DANGEROUS
3 ANIMAL ON THE EFFECTIVE DATE OF THIS ACT.

4 A person who possesses a dangerous animal on the effective
5 date of this Act may continue to possess the dangerous animal
6 subject to all of the following:

7 1. If the person possesses the dangerous animal pursuant
8 to a valid federal license or permit issued prior to the
9 effective date of this Act, the person must maintain
10 possession according to the terms of the license or permit.

11 2. The person shall care for the animal as required
12 pursuant to the federal Animal Welfare Act, 7 U.S.C. § 2131 et
13 seq., and regulations promulgated by the United States
14 department of agriculture which apply to facilities and their
15 operations, animal health and husbandry practices, and
16 veterinary care.

17 3. Within sixty days after the effective date of this Act,
18 the person must have an electronic identification device
19 implanted beneath the skin or hide of the dangerous animal,
20 unless a licensed veterinarian states in writing that the
21 implantation would endanger the comfort or health of the
22 dangerous animal. In such case, an electronic identification
23 device may be otherwise attached to the dangerous animal.

24 4. Within sixty days after the effective date of this Act,
25 the person must notify the department using a registration
26 form prepared by the department. The registration form shall
27 include all of the following information:

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

29 b. A complete inventory of each dangerous animal that the
30 person possesses. The inventory shall include all of the
31 following information:

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

34 (2) The manufacturer and manufacturer's number of the
35 electronic device implanted in or attached to each animal.

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

5 (4) The approximate age, sex, color, weight, scars, and
6 any distinguishing marks of each dangerous animal.

7 The department may charge a registration fee which shall
8 not exceed five hundred dollars.

9 5. The person must maintain health and ownership records
10 for each dangerous animal in the person's possession for the
11 life of the animal.

12 6. The person shall confine the dangerous animal in a
13 primary enclosure as defined in section 162.2 on the person's
14 premises. The person shall not allow the dangerous animal
15 outside of the person's premises where the dangerous animal is
16 kept unless the dangerous animal is moved pursuant to any of
17 the following:

18 a. A permit issued by the department.

19 b. To receive veterinary care from a licensed
20 veterinarian.

21 c. To comply with the directions of the department or an
22 animal warden.

23 7. The person shall display at least one sign on the
24 person's premises where the dangerous animal is kept warning
25 the public that the animal is confined there. The sign shall
26 include a symbol warning children of the presence of the
27 dangerous animal.

28 8. The person must immediately notify an animal warden or
29 other local law enforcement official of any escape of a
30 dangerous animal.

31 9. The person who possesses the dangerous animal is
32 strictly liable for any damages or injury incurred by a person
33 resulting from an act by the dangerous animal.

34 10. If the person is no longer able to care for the
35 animal, the person shall notify the department and find long-

1 term placement for the dangerous animal with a wildlife
2 sanctuary.

3 Sec. 5. NEW SECTION. 717F.5 SEIZURE, CUSTODY, AND
4 DISPOSAL OF DANGEROUS ANIMALS.

5 1. a. Except as provided in paragraph "b", the department
6 shall seize a dangerous animal which is in the possession of a
7 person if the person is not in compliance with the
8 requirements of this chapter.

9 b. Upon request, the department may provide that the
10 person retain possession of the dangerous animal for not more
11 than ten days, upon conditions required by the department.
12 During that period, the person shall take all necessary
13 actions to comply with this chapter. The department shall
14 inspect the premises where the dangerous animal is kept during
15 reasonable times to ensure that the person is complying with
16 the conditions.

17 2. If the person fails to comply with the conditions of
18 the department at any time or is not in compliance with this
19 chapter following the ten-day period, the department shall
20 seize the dangerous animal.

21 a. The dangerous animal shall be considered to be a
22 threatened animal which has been rescued as provided in
23 chapter 717B. The court may authorize the return of the
24 dangerous animal to the person from whom the animal was seized
25 if the court finds all of the following:

26 (1) The person is capable of providing the care required
27 for the dangerous animal.

28 (2) There is a substantial likelihood that the person will
29 provide the care required for the dangerous animal.

30 (3) The dangerous animal has not been abused, neglected,
31 or tortured, as provided in chapter 717B.

32 b. If the court orders a permanent disposition of the
33 dangerous animal, the dangerous animal shall be subject to
34 disposition as provided in section 717B.4 and the responsible
35 party shall be assessed costs associated with its seizure,

1 custody, and disposition as provided in that section. The
2 department may find long-term placement for the dangerous
3 animal with a wildlife sanctuary or institution accredited by
4 the American zoo and aquarium association.

5 Sec. 6. NEW SECTION. 717F.6 EXEMPTIONS.

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

- 7 1. An institution accredited by the American zoo and
8 aquarium association.
- 9 2. A wildlife sanctuary.
- 10 3. A circus that obtains a permit from the municipality in
11 which it will be temporarily operating.
- 12 4. The state fair as provided in chapter 173 or any fair
13 as provided in chapter 174.
- 14 5. A location where an animal is maintained for
15 educational or scientific purposes, including an institution
16 as defined in section 145B.1, a research facility as defined
17 in section 162.2, an exhibition, or a vehicle used to
18 transport the animal.
- 19 6. A location operated by a person licensed to practice
20 veterinary medicine pursuant to chapter 169.
- 21 7. A pound as defined in section 162.2.
- 22 8. An animal shelter as defined in section 162.2.

23 Sec. 7. NEW SECTION. 717F.7 PENALTY.

24 A person who violates this chapter is guilty of a serious
25 misdemeanor.

26 EXPLANATION

27 This bill creates a new Code chapter 717F, which regulates
28 the possession of dangerous animals which are defined to
29 include lions, tigers, cougars, leopards, cheetahs, ocelots,
30 servals, bears, pandas, and primates other than humans.

31 The department of natural resources is charged to
32 administer the bill's provisions, although the department may
33 execute 28E agreements with other government entities. The
34 bill makes it a criminal offense to possess a dangerous
35 animal, with certain exceptions, to allow a dangerous animal

1 in the person's possession to breed, or to transport a
2 dangerous animal into this state.

3 The bill specifically allows a person to possess a
4 dangerous animal if the person has possession of the dangerous
5 animal on the effective date of the bill, but subject to
6 certain conditions. The person must maintain the animal in
7 compliance with the terms of a federal permit or license, and
8 must otherwise comply with applicable federal law. The person
9 must attach or install an electronic identification device to
10 the dangerous animal or beneath its skin or hide. The person
11 must also register with the department, and maintain health
12 and ownership records. The bill also provides that the person
13 must confine or move the animal according to a number of
14 specifications designed to secure it from the public. The
15 person is strictly liable for damages or injuries resulting
16 from the actions of the dangerous animal.

17 The bill provides for the seizure, custody, and disposal of
18 dangerous animals which are kept in violation of the bill's
19 provisions. The department may allow the person in possession
20 of the dangerous animal to correct the violation and keep the
21 animal for 10 days but subject to conditions established by
22 the department. If the person fails to comply with those
23 conditions at any time or is not in compliance with the bill's
24 provisions following the 10-day period, the department is
25 required to seize the dangerous animal. The dangerous animal
26 is considered a threatened animal in the same manner as
27 provided in Code chapter 717B, which authorizes the rescue of
28 animals other than livestock. It provides for notifying the
29 owner of the animal of the seizure, provides for a court
30 hearing to determine disposition, and requires that persons
31 responsible for the animal pay costs associated with its
32 custody and disposition. The bill provides that a court may
33 order the return of the dangerous animal if it determines that
34 the person is capable of providing for its care, that there is
35 a substantial likelihood that the person will provide such

1 care, and that the dangerous animal has not been abused,
2 neglected, or tortured, as provided in Code chapter 717B.

3 The bill exempts a number of persons and locations from the
4 requirements of the bill, including an accredited zoo,
5 wildlife sanctuary, circus, fair, research facility, licensed
6 veterinarian, pound, or animal shelter.

7 A person who violates the bill's provisions is guilty of a
8 serious misdemeanor. A serious misdemeanor is punishable by
9 confinement for no more than one year and a fine of at least
10 \$250 but not more than \$1,500.

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