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## OLR Bill Analysis

HB 6394

### ***AN ACT CONCERNING THE ENDANGERED SPECIES PROGRAMS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION***

#### **SUMMARY:**

This bill increases, from \$ 100 to \$ 1,000, the fine for disturbing, hunting, taking, killing, or attempting to kill a bald eagle. As under current law, it is also punishable by up to 30 days in prison. It prohibits people from disturbing an active bald eagle nest, and from entering a posted no access area for either a bald eagle, or an active bald eagle nest. Violators are subject to a fine of up to \$ 1,000 and up to 30 days in prison.

By law, certain wild animals are potentially dangerous and it is illegal for people to own them (see BACKGROUND). The bill makes hybrids of such wild animals also potentially dangerous animals. The bill makes the owner, or the person in illegal possession, of such a potentially dangerous animal responsible for the costs associated with the animal's confiscation, care, and maintenance until the animal is either disposed of or placed in a proper facility. It increases the penalty for illegal possession of such animals from \$ 100 to a maximum of \$ 1,000 per offense, and makes each violation and each day of illegal possession a separate offense. It authorizes the environmental protection commissioner to ask the attorney general to sue in Superior Court to recover the fine and any costs associated with the animal's confiscation, care, and maintenance.

By law, no person can import or introduce into the state, possess, or liberate in the state any live fish, wild bird, wild quadruped (four-legged animal), reptile, or amphibian without a permit from the commissioner. The bill expands the law to include invertebrates (animals without backbones) and all mammals, thereby including such animals as bats and primates (monkeys, apes, and lemurs). Current law authorizes the commissioner to (1) prescribe the number of these animals that may be imported, possessed, introduced, or liberated; (2) exempt certain species from permit requirements; (3) prohibit the importation, introduction, possession, or liberation of species he determines to be a potential threat to people, crops, or established species of plants and animals; (4) exempt certain institutions, such as zoos, from permit requirements; and (5) seize and dispose of illegally imported or illegally possessed animals. Each violation of the law is an infraction.

Current law also prohibits the transport within the state or from the state of fish, birds,

quadrupeds, reptiles, and amphibians for which a closed season exists without a permit from the commissioner. The bill expands the law to include invertebrates and all mammals, thereby including such animals as bats and primates. Current law requires that any of these animals transported out of state be conspicuously tagged and labeled with the full name and address of the person authorized to transport such animal. Failure to attach such a tag is prima facie evidence of a violation of the law. It exempts from these permit requirements the transport of an animal (1) legally taken; (2) bred, propagated, or possessed by a person licensed or otherwise authorized to do so; (3) or exempt from licensing requirements. Violators are subjects to fines of between \$ 10 and \$ 200 and up to 60 days in prison.

EFFECTIVE DATE: October 1, 2003

## **BACKGROUND**

### ***Potentially Dangerous Animals***

By law, potentially dangerous animals include, but are not limited to, wild cats, such as lions, leopards, cheetahs, jaguars, ocelots, jaguarundis (central American wildcats), pumas, lynxes, and bobcats; wild dogs, such as wolves and coyotes; and black, brown and grizzly bears.

### ***Infractions***

Infractions are punishable by fines, usually set by a Superior Court judge, plus additional fees and surcharges. An infraction is not a crime. Violators do not have criminal records and can pay the fine by mail without making a court appearance.

## **COMMITTEE ACTION**

Environment Committee

Joint Favorable Report

Yea      25      Nay      0