

12104169D

HOUSE BILL NO. 1242

Offered January 20, 2012

A *BILL to amend the Code of Virginia by adding in Chapter 5 of Title 29.1 an article numbered 8, consisting of sections numbered 29.1-578 through 29.1-586, relating to the ownership of dangerous wild animals; penalty.*

Patrons—Peace and Tyler

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 5 of Title 29.1 an article numbered 8, consisting of sections numbered 29.1-578 through 29.1-586, as follows:

*Article 8.**Conditions on the Ownership of Dangerous Wild Animals.*

§ 29.1-578. Possession, sale, transfer, and breeding of certain animals.

It is unlawful for any person to possess, sell, transfer, or breed any of the following animals:

1. Order Carnivora:

a. Family Canidae: all species and hybrids of the genera Canis (wolves and related species), Cuon (dholes), Lycaon (African wild dogs), and Chrysocyon (maned wolves); excluding Canis lupus familiaris (domestic dogs) and Canis lupus familiaris hybrids.

b. Family Felidae: all species and hybrids of the family Felidae (all felids); excluding Felis catus (domestic cats) and Felis catus hybrids.

c. Family Ursidae: all species and hybrids of bears.

d. Family Hyaenidae: all species of hyena and aardwolf.

2. Order Crocodilia: all species of alligators, crocodiles, caimans, and gharials.

3. Order Primates: all species and hybrids of apes, galagos, lemurs, lorises, and monkeys, excluding humans.

4. Order Proboscidea: all species of elephants.

5. Order Squamata:

a. Family Atractaspididae: all species and hybrids, such as mole vipers.

b. Family Boidae, to include all species that may be described as family Pythonidae: all species and hybrids of the genera Apodora (pythons), Eunectes (anacondas), Liasis (pythons), Morelia (pythons), and Python (pythons); excluding Morelia viridis (green tree pythons), Python anchietae (Angolan pythons), and Python regius (ball or royal pythons).

c. Family Colubridae: all species and hybrids of the genera Dispholidus (boomslangs), Rhabdophis (keelbacks), and Thelotornis (twig snakes).

d. Family Elapidae, to include all species that may be described as family Hydrophiidae: all species and hybrids, such as cobras, mambas, coral snakes, and sea snakes.

e. Family Viperidae: all species and hybrids, such as rattlesnakes, pit vipers, and puff adders.

§ 29.1-579. Exemptions.

The provisions of § 29.1-578 shall not apply to:

1. Facilities accredited or certified by the Association of Zoos and Aquariums, facilities that have an active contractual relationship with an American Association of Zoos and Aquariums Species Survival Plan for breeding of species listed as threatened or endangered pursuant to 16 U.S.C. § 1533, or facilities that are actively seeking accreditation or certification by the American Association of Zoos and Aquariums that have a letter of understanding with a mentor institution that is renewed annually.

2. Research facilities, as defined in the Animal Welfare Act (7 U.S.C. § 2132(e)).

3. Facilities accredited by the Global Federation of Animal Sanctuaries with an accreditation status appropriate for the animals held.

4. Circuses, defined as incorporated Class C licensees under the Animal Welfare Act (7 U.S.C. § 2134), that are temporarily in the Commonwealth and that offer scheduled performances by live animals.

5. Federal, state, or local government facilities or agents holding an animal for official purposes.

6. Licensed veterinary establishments temporarily holding an animal for the purpose of providing veterinary treatment.

7. A person temporarily transporting an animal through the state if the transit time is not more than 24 hours, the animal is not exhibited, and the animal is maintained at all times in a species-appropriate cage or other travel container such that there is no opportunity for physical contact with any member of

INTRODUCED

HB1242

59 *the public.*

60 *§ 29.1-580. Conditions for allowable continued possession.*

61 *The provisions of § 29.1-578 shall not apply to persons who possessed such an animal prior to July*
62 *1, 2012, provided that such person:*

63 *1. Shall maintain veterinary records, acquisition papers, or other documents or records that establish*
64 *that the person possessed the animal prior to July 1, 2012;*

65 *2. Shall not acquire additional such animals after July 1, 2012, whether by purchase, transfer,*
66 *donation, or reproduction;*

67 *3. Shall not have been convicted of an offense involving the abuse or neglect of any animal pursuant*
68 *to any federal, state, or local law;*

69 *4. Shall not have had a license or permit regarding the care, possession, exhibition, breeding, or*
70 *sale of animals revoked or suspended by any federal, state, or local agency;*

71 *5. Shall not fail to keep the animal properly confined;*

72 *6. Shall not allow members of the public any opportunity to come into physical contact with the*
73 *animal;*

74 *7. Shall register with, and pay a registration fee to, the Department by July 1, 2013, and annually*
75 *thereafter, indicating the number and species of such animals in his possession and showing proof of*
76 *liability insurance in an amount of not less than \$250,000 for property damage, bodily injury, or death*
77 *caused by such animals; and*

78 *8. At least 72 hours prior to the sale or transfer of an existing dangerous wild animal, shall notify*
79 *the Department, identifying the recipient of the animal. The possession, sale, transfer, and transport of*
80 *the dangerous wild animal shall conform to all applicable state, local, and federal laws.*

81 *§ 29.1-581. Certain animals not properly confined.*

82 *Any animal described in § 29.1-578, excluding noncaptive native populations of wildlife, found to be*
83 *not properly confined, whether on the property of the owner or running at large, may be humanely*
84 *destroyed by law-enforcement or animal control officers, or other federal, state, or local agents, in*
85 *order to protect public safety. The owner or custodian of such an animal will be liable for costs*
86 *accrued to law-enforcement or animal control agencies in humanely destroying or otherwise securing*
87 *any such animal.*

88 *§ 29.1-582. Forfeiture and disposition of animals possessed in violation of this article.*

89 *A. Law-enforcement and animal control officers shall, upon probable cause, impound any or all*
90 *animals possessed in violation of this article. If such animal does not pose an immediate threat to public*
91 *safety and is not suffering from apparent animal neglect or cruelty, the animal shall be considered*
92 *impounded in its enclosure and shall be properly maintained and provided adequate care by the owner*
93 *until judicial determination of forfeiture. If such animal poses an immediate threat to public safety or is*
94 *suffering from apparent animal neglect or cruelty, the animal shall be seized by law-enforcement or*
95 *animal control officers and held in a suitable federal, state, or local facility or other facility exempted*
96 *from this article in § 29.1-579 until judicial determination of forfeiture.*

97 *B. Upon seizing or impounding an animal, the law-enforcement or animal control officer shall*
98 *petition the general district court in the city or county where the animal is seized or impounded for a*
99 *hearing. The hearing shall be not more than 10 business days from the date of the seizure or*
100 *impoundment of the animal. The hearing shall be to determine whether the animal is possessed in*
101 *violation of this article.*

102 *C. Upon judicial determination that (i) the seized or impounded animal is listed in § 29.1-578 and*
103 *(ii) the owner of the seized or impounded animal is violating any provision of this article with regard to*
104 *such animal, the animal shall be deemed forfeited.*

105 *D. Any animal judicially deemed forfeited pursuant to this article shall as soon as practicable be*
106 *euthanized by a licensed veterinarian or humanely destroyed as recommended by a licensed veterinarian*
107 *unless (i) a person legally able to possess the animal and willing and able to take immediate possession*
108 *of the animal is identified prior to or at the forfeiture hearing, in which case the court may award such*
109 *person ownership of the animal, or (ii) the court determines that the animal is listed in 50 C.F.R. 17.11*
110 *as protected under the Endangered Species Act (16 U.S.C. § 1531 et seq.), in which case such animal*
111 *shall be ceded to the U.S. Fish and Wildlife Service.*

112 *E. A court may order the owner of an animal seized pursuant to this article to post a bond in surety*
113 *with the locality for the cost of caring for such animal for a period of time not to exceed nine months.*
114 *If the court orders the posting of a bond in surety, the bond shall be posted with the clerk of the court*
115 *within five business days after the hearing. If the person ordered to post the bond does not do so, the*
116 *animal is deemed forfeited.*

117 *§ 29.1-583. Voluntary relinquishment.*

118 *Nothing in this article shall be construed to prevent the voluntary, permanent relinquishment of any*
119 *animal by its owner to a person legally able to possess the animal and willing and able to take*
120 *possession or have such animal euthanized by a licensed veterinarian in lieu of seizure or impoundment.*

Voluntary relinquishment shall have no effect on any criminal charges that may be pursued by the appropriate authorities concerning possession or treatment of the animal.

§ 29.1-584. Adoption of regulations.

The Board shall adopt regulations to carry out the provisions of this article. The regulations shall include (i) the adoption of registration fees on a sliding scale depending on the number of dangerous wild animals a person possesses prior to July 1, 2012, and (ii) any additional exemptions to this article the Department deems necessary to facilitate management of native or naturalized wildlife.

29.1-585. Department to notify local officials.

The Department shall notify law enforcement officials and animal control officers of the presence in their locality of any lawfully possessed animal that is registered pursuant to subdivision 7 of § 29.1-580. The notice shall include the name of the owner of the animal, his address, and the species of the animal that is registered.

§ 29.1-586. Penalties.

Any person who violates any provision of this article is guilty of a Class 1 misdemeanor.