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SENATE BILL NO. 477

Offered January 11, 2012

Prefiled January 11, 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 possession of dangerous wild animals.*

 Patron—Lucas

 Referred to Committee on Agriculture, Conservation 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.**Dangerous Wild Animals.**§ 29.1-578. Definitions.*

As used in this article, unless the context requires a different meaning:

"Dangerous wild animal" means any individual animal of the following scientific classifications:

*1. Class Mammalia.**a. Order Carnivora.*

(1) Family Canidae: red wolves (Canis rufus) and gray wolves (Canis lupus), including wolf-dog hybrids.

(2) Family Felidae: lions (Panthera leo), tigers (Panthera tigris), leopards (Panthera pardus), clouded leopards (Neofelis nebulosa), snow leopards (Panthera uncia), jaguars (Panthera onca), cheetahs (Acinonyx jubatus), cougars/pumas/mountain lions (Puma concolor), including hybrids thereof.

*(3) Family Ursidae: all species of bears.**(4) Family Hyaenidae: all species of hyena and aardwolf.**b. Order Primates: all species excluding humans.**c. Order Proboscidea: all species of elephants.**2. Class Reptilia.**a. Order Crocodylia: all species of alligators, crocodiles, caimans, and gharials.**b. Order Squamata.**(1) Family Atractaspididae: all species, such as mole vipers.*

(2) Family Boidae: anacondas (Genus Eunectes), boa constrictors (Boa constrictor), Burmese pythons (Python molurus), reticulated pythons (Python reticulatus), amethystine pythons (Morelia amethystina), scrub pythons (Morelia kinghorni), Northern African pythons (Python sebae), Southern African pythons (Python natalensis).

*(3) Family Colubridae: boomslangs (Dispholidus typus), twig snakes (genus Thelotornis).**(4) Family Elapidae: all species, such as cobras, mambas, and coral snakes.**(5) Family Hydrophiidae: all species, such as sea snakes.**(6) Family Viperidae: all species, such as rattlesnakes, pit vipers, and puff adders.*

"Law-enforcement officer" means State Police officers, conservation police officers, Virginia Marine Police, local law-enforcement officers, animal control officers, as defined in § 3.2-6555, and humane investigators, as defined in § 3.2-6558.

"Wildlife sanctuary" means a nonprofit organization that:

1. Operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced animals are provided care for the lifetime of the animal;

2. Does not conduct any commercial activity with respect to dangerous wild animals, including but not limited to (i) sale, trade, auction, lease, or loan of dangerous wild animals or parts of such animals or (ii) use of dangerous wild animals in any manner in a for-profit business or operation;

3. Does not use dangerous wild animals for entertainment purposes or in a traveling exhibit;

4. Does not breed any dangerous wild animals; and

5. Does not allow members of the public the opportunity to come into contact with dangerous wild animals.

§ 29.1-579. Possession, sale, transfer, and breeding of dangerous wild animals unlawful.

It is unlawful for any person to possess, sell, transfer, or breed a dangerous wild animal.

§ 29.1-580. Exemptions.

The provisions of § 29.1-579 shall not apply to:

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59 1. Institutions accredited by the Association of Zoos and Aquariums, and facilities that have an
60 active contractual relationship with an Association of Zoos and Aquariums Species Survival Plan for
61 breeding of species listed as threatened or endangered pursuant to 16 U.S.C. § 1533.

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

63 3. Wildlife sanctuaries.

64 4. Duly incorporated nonprofit animal protection organizations, including humane societies and
65 shelters, temporarily housing a dangerous wild animal at the written request of law-enforcement officers
66 acting under the authority of this article.

67 5. Licensed veterinary hospitals for the purpose of providing treatment to a dangerous wild animal.

68 6. Law-enforcement officers for purposes of enforcement.

69 7. A person temporarily transporting a legally owned dangerous wild animal through the state if:

70 a. The transit time is not more than 24 hours, the dangerous wild animal is not exhibited, and the
71 dangerous wild animal is maintained at all times in a species-appropriate cage or other travel container
72 such that there is no opportunity for physical contact with any member of the public; or

73 b. The transit time is not more than 14 days, the transporter is incorporated and federally licensed
74 for purposes of animal exhibition, the transporter is transporting at least 10 dangerous wild animals,
75 and the dangerous wild animals are maintained at all times in a species-appropriate enclosure such that
76 there is no opportunity for physical contact with any member of the public. Such transporters shall
77 provide notice of the transport to the Department at least 72 hours prior to entering the Commonwealth,
78 by identifying the number and type of dangerous wild animals that will be transported. This notification
79 is in addition to any veterinary certificate or other permits required by state, local, or federal law.

80 § 29.1-581. Conditions for allowable continued possession.

81 The provisions of § 29.1-579 shall not apply to persons who lawfully possessed a dangerous wild
82 animal prior to July 1, 2012, provided that such person:

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

85 2. Shall not acquire additional dangerous wild animals after July 1, 2012, whether by purchase,
86 donation, or breeding;

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

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

91 5. Shall not allow members of the public any opportunity to come into physical contact with a
92 dangerous wild animal;

93 6. Shall register with, and pay a registration fee to, the Department by September 1, 2012, and
94 annually thereafter, indicating the number of animals of each dangerous wild animal species in his
95 possession, and showing proof of liability insurance in an amount of not less than \$100,000, with a
96 deductible of not more than \$250, for each occurrence of property damage, bodily injury, or death
97 caused by any dangerous wild animal possessed by the person; and

98 7. At least 72 hours prior to the sale or transfer of an existing dangerous wild animal, shall notify
99 the Department, identifying the recipient of the animal. The possession, sale, transfer, and transport of
100 the dangerous wild animal shall conform to all applicable state, local, and federal laws.

101 § 29.1-582. Seizure.

102 A. Law-enforcement officers shall, upon probable cause, seize any or all dangerous wild animals
103 possessed in violation of this article.

104 B. Upon judicial determination that (i) the seized animals are dangerous wild animals and (ii) the
105 owner of the seized animals is violating provisions of this article with regard to those seized dangerous
106 wild animals, then such dangerous wild animals seized under this article shall be deemed forfeited.

107 C. Dangerous wild animals seized and deemed forfeited shall be placed in the custody and control of
108 an institution accredited by the Association of Zoos and Aquariums or a wildlife sanctuary. If the
109 law-enforcement officer, after a reasonable effort, can find no such accredited zoo or wildlife sanctuary
110 that is willing and able to take custody and control of a seized and forfeited dangerous wild animal,
111 that animal may be humanely euthanized.

112 D. Dangerous wild animals seized but not deemed forfeited shall be kept in the custody of an
113 institution accredited by the Association of Zoos and Aquariums, a wildlife sanctuary, or a temporary
114 holding facility identified in subdivision 4 of § 29.1-580, until disposition of the seized dangerous wild
115 animals.

116 § 29.1-583. Filing of petition; judicial determination; posting of security.

117 A. The accredited zoo, wildlife sanctuary, or temporary holding facility having custody of the
118 dangerous wild animal may file a petition with the court requesting that the person from whom the
119 dangerous wild animal was seized, or the owner of the dangerous wild animal, be ordered to post
120 security. The security shall be in an amount sufficient to secure payment of all reasonable expenses

121 expected to be incurred by the accredited zoo, wildlife sanctuary, or temporary holding facility in caring
122 for and providing for the dangerous wild animal pending the disposition of the animal. A reasonable
123 expense includes estimated medical care and boarding of the dangerous wild animal pending
124 disposition. The amount of the security shall be determined by the court after taking into consideration
125 all of the facts and circumstances of the case, including the recommendation of the impounding
126 organization having custody and care of the seized dangerous wild animal and the cost of caring for the
127 dangerous wild animal. If security has been posted in accordance with this subsection, the accredited
128 zoo, wildlife sanctuary, or temporary holding facility may draw from the security the actual costs
129 incurred in caring for the seized dangerous wild animal.

130 B. Upon receipt of a petition, the court shall set a hearing on the petition, to be conducted within
131 five business days after the petition is filed. The petitioner shall serve a true copy of the petition upon
132 the owner of the dangerous wild animal and the state or local law-enforcement entity that seized the
133 dangerous wild animal. The petitioner shall also serve a true copy of the petition on any interested
134 person. For the purposes of this subsection, "interested person" means an individual, partnership, firm,
135 joint stock company, corporation, association, trust, estate, or other legal entity that the court
136 determines may have a pecuniary interest in the animal that is the subject of the petition. The court
137 shall set a hearing date to determine any interested parties. The court may waive for good cause shown
138 the posting of security.

139 C. If the court orders the posting of security, the security shall be posted with the clerk of the court
140 within five business days after the hearing. If the person ordered to post security does not do so, the
141 dangerous wild animal is deemed forfeited and the accredited zoo, wildlife sanctuary, or temporary
142 holding facility having custody of the dangerous wild animal shall have legal custody and control over
143 the dangerous wild animal.

144 D. Upon judicial determination on the disposition of the seized dangerous wild animal, the person
145 who posted the security is entitled to a refund of the security for any expenses not incurred by the
146 impounding organization.

147 § 29.1-584. Voluntary relinquishment.

148 Nothing in this article shall be construed to prevent the voluntary, permanent relinquishment of any
149 dangerous wild animal by its owner to an institution accredited by the Association of Zoos and
150 Aquariums or a wildlife sanctuary in lieu of posting security. Voluntary relinquishment shall have no
151 effect on any criminal charges that may be pursued by the appropriate authorities.

152 § 29.1-585. Adoption of regulations.

153 The Board shall adopt regulations to carry out the provisions of this article. The regulations shall
154 include the (i) adoption of registration fees on a sliding scale depending on the number of dangerous
155 wild animals a person possesses on July 1, 2012, and (ii) expansion of the definition of dangerous wild
156 animal. However, such regulations shall not amend the list of exempted entities in § 29.1-580. The
157 Board shall file the regulations with the Registrar of Regulations pursuant to § 2.2-4103.

158 § 29.1-586. Penalties.

159 Any person who violates any provision of this article or regulation adopted thereunder is guilty of a
160 Class 1 misdemeanor.