

HOUSE BILL No. 1332

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2; IC 14-22-26.5; IC 35-52-14-27.5.

Synopsis: Dangerous wild animals. Prohibits a person from possessing, selling, transferring, or breeding a dangerous wild animal. Prohibits a person who owns a dangerous wild animal from allowing a member of the public to come into direct contact with the animal. Establishes requirements that a: (1) zoological park or circus; or (2) person who possesses a dangerous wild animal before July 1, 2017; must meet to continue to possess a dangerous wild animal. Establishes procedures to seize, impound, and forfeit dangerous wild animals. Provides criminal penalties for violations. Allows a city, town, or county to adopt an ordinance or a township to adopt a resolution that includes more stringent restrictions or additional requirements on the possession, sale, transfer, or breeding of dangerous wild animals.

Effective: Upon passage.

Eberhart

January 12, 2017, read first time and referred to Committee on Natural Resources.



First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1332

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-8-2-64.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 64.5. "Dangerous wild animal", for**
4 **purposes of IC 14-22-26.5, has the meaning set forth in**
5 **IC 14-22-26.5-2.**

6 SECTION 2. IC 14-8-2-148, AS AMENDED BY P.L.40-2012,
7 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 UPON PASSAGE]: Sec. 148. (a) **"Law enforcement officer", for**
9 **purposes of IC 14-22-26.5, has the meaning set forth in**
10 **IC 14-22-26.5-3.**

11 (b) **"Law enforcement officer", for purposes of IC 14-22-40, has the**
12 **meaning set forth in IC 14-22-40-5.**

13 SECTION 3. IC 14-8-2-320.5 IS ADDED TO THE INDIANA
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
15 [EFFECTIVE UPON PASSAGE]: **Sec. 320.5. "Wildlife sanctuary",**
16 **for purposes of IC 14-22-26.5, has the meaning set forth in**
17 **IC 14-22-26.5-4.**



1 SECTION 4. IC 14-22-26.5 IS ADDED TO THE INDIANA CODE
 2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]:

4 **Chapter 26.5. Dangerous Wild Animals**

5 **Sec. 1. (a) Section 5(a) of this chapter does not apply to the**
 6 **following:**

- 7 (1) A research facility, as defined in 7 U.S.C. 2132(e).
 8 (2) A wildlife sanctuary.
 9 (3) An incorporated nonprofit animal protection organization,
 10 including a humane society or animal shelter that acts as a
 11 temporary holding facility of a dangerous wild animal at the
 12 written request of a law enforcement officer.
 13 (4) A licensed veterinary hospital that provides treatment to
 14 a dangerous wild animal.
 15 (5) A law enforcement officer while enforcing this chapter.
 16 (6) A conservation officer or an agent or employee of the
 17 department while enforcing this chapter.
 18 (7) A person temporarily transporting a legally owned
 19 dangerous wild animal through Indiana if:
 20 (A) the transit time through Indiana is planned to be not
 21 more than twenty-four (24) hours;
 22 (B) the dangerous wild animal is not exhibited in Indiana;
 23 and
 24 (C) the dangerous wild animal is maintained at all times in
 25 a cage or travel container to prevent the dangerous wild
 26 animal's escape.

27 (b) Section 5(a) of this chapter does not apply to a zoological
 28 park or circus that holds a valid Class C exhibitors license issued
 29 by the United States Department of Agriculture and meets the
 30 following requirements:

- 31 (1) Does not employ a person who has:
 32 (A) direct contact with a dangerous wild animal; and
 33 (B) been convicted of or fined for an offense involving the
 34 abuse or neglect of an animal.
 35 (2) Has not been cited by the United States Department of
 36 Agriculture in an inspection report for:
 37 (A) a no access violation; or
 38 (B) a violation for interfering with an inspection;
 39 within the previous three (3) years.
 40 (3) Does not allow direct contact between the public and
 41 dangerous wild animals.
 42 (4) Maintains liability insurance in an amount of not less than



1 two hundred fifty thousand dollars (\$250,000) for each
2 occurrence of property damage, bodily injury, or death
3 caused by a dangerous wild animal possessed by the zoological
4 park or circus.

5 (5) Has a written plan, filed with the department, for the
6 quick and safe recapture or destruction of a dangerous wild
7 animal in the event a dangerous wild animal escapes,
8 including written protocols for training staff on methods of
9 safe recapture for the escaped dangerous wild animal.

10 (6) Files an annual report with the department concerning all
11 the dangerous wild animals acquired and disposed of during
12 the previous calendar year.

13 (c) Section 5(a) of this chapter does not apply to a person who
14 lawfully possesses a dangerous wild animal before July 1, 2017, and
15 who meets the following requirements:

16 (1) Maintains any veterinary records, acquisition papers, or
17 other documents or records that establish that the person
18 possessed the animal before July 1, 2017.

19 (2) After July 1, 2017, does not acquire, purchase, or breed
20 additional dangerous wild animals.

21 (3) Has not been convicted of an offense involving the abuse
22 or neglect of an animal.

23 (4) Has not had a license or permit regarding the care,
24 possession, exhibition, breeding, or sale of animals revoked or
25 suspended by any state, local, or federal governmental agency.

26 (5) Not later than September 1, 2017, develops and is
27 prepared to implement an escape, succession, and disaster
28 plan that is filed with the department.

29 (6) Not later than September 1 of each year:

30 (A) registers with, and pays a registration fee to, the
31 department, indicating the number and species of each
32 dangerous wild animal species in the person's possession;
33 and

34 (B) submits proof of liability insurance in an amount of not
35 less than two hundred fifty thousand dollars (\$250,000),
36 with a deductible of not more than two hundred fifty
37 dollars (\$250), for each occurrence of property damage,
38 bodily injury, or death caused by any dangerous wild
39 animal possessed by the person.

40 (7) At least seventy-two (72) hours before selling or
41 transferring a dangerous wild animal, notifies the
42 department, identifying the recipient of the dangerous wild



1 animal. The possession, sale, transfer, and transport of the
2 dangerous wild animal must comply with all applicable state,
3 local, and federal laws.

4 **Sec. 2. As used in this chapter, "dangerous wild animal" means**
5 **a live animal that is any of the following:**

6 (1) A primate, except for a human.

7 (2) A species from any of the following families of mammals:

8 (A) The following species of Felidae:

9 (i) Lions (*Panthera leo*).

10 (ii) Tigers (*Panthera tigris*).

11 (iii) Leopards (*Panthera pardus*).

12 (iv) Clouded leopards (*Neofelis nebulosa* and *Neofelis*
13 *diardi*).

14 (v) Snow leopards (*Panthera uncia*).

15 (vi) Jaguars (*Panthera onca*).

16 (vii) Cheetahs (*Acinonyx jubatus*).

17 (viii) Mountain lions (*Puma concolor*).

18 (ix) Any hybrid of a species listed in items (i) through
19 (viii).

20 (B) Canidae, all species of wolves.

21 (C) Ursidae, all species of bears.

22 (D) Hyaenidae, all species of hyenas and aardwolves.

23 **Sec. 3. As used in this chapter, "law enforcement officer"**
24 **means:**

25 (1) a police officer, sheriff, conservation officer, constable,
26 marshal, or deputy of any of those persons;

27 (2) a prosecuting attorney, special prosecuting attorney, or
28 special deputy; or

29 (3) an animal control officer.

30 **Sec. 4. As used in this chapter, "wildlife sanctuary" means a**
31 **nonprofit entity that:**

32 (1) operates a place of refuge where abused, neglected,
33 unwanted, impounded, abandoned, orphaned, or displaced
34 animals are provided care for the lifetime of the animal;

35 (2) is a corporation that is:

36 (A) exempt from taxation under Section 501(a) of the
37 federal Internal Revenue Code; and

38 (B) described in Sections 501(c)(3) and 170(b)(1)(A)(vi) of
39 the federal Internal Revenue Code;

40 (3) does not conduct commercial activity with respect to
41 dangerous wild animals, including the:

42 (A) sale, trade, auction, lease, or loan of dangerous wild



- 1 **animals; or**
 2 **(B) use of dangerous wild animals in a for profit business**
 3 **or operation;**
 4 **(4) does not allow direct contact between the public and a**
 5 **dangerous wild animal;**
 6 **(5) does not use a dangerous wild animal for entertainment**
 7 **purposes or in a traveling exhibit; and**
 8 **(6) does not breed dangerous wild animals.**
- 9 **Sec. 5. (a) Except as provided in this chapter, a person may not**
 10 **possess, sell, transfer, or breed a dangerous wild animal.**
 11 **(b) A person who owns or is custodian of a dangerous wild**
 12 **animal may not allow a member of the public to come into direct**
 13 **contact with a dangerous wild animal, regardless of the age of the**
 14 **animal.**
- 15 **Sec. 6. (a) A law enforcement officer who believes that a**
 16 **violation of this chapter has occurred shall petition a circuit or**
 17 **superior court in a county where the dangerous wild animal is**
 18 **located for a warrant. If the circuit or superior court finds**
 19 **probable cause that a dangerous wild animal is or has been**
 20 **possessed, sold, transferred, bred, or exhibited in violation of this**
 21 **chapter and issues a warrant, the law enforcement officer shall**
 22 **execute the warrant on the location where the wild animal is**
 23 **located. If the law enforcement officer determines after executing**
 24 **the warrant that a dangerous wild animal is or has been possessed,**
 25 **sold, transferred, bred, or exhibited in violation of this chapter, the**
 26 **law enforcement officer shall impound, seize, or cause the**
 27 **dangerous wild animal to be seized or impounded. The law**
 28 **enforcement officer shall:**
- 29 **(1) cause the dangerous wild animal that has been seized to**
 30 **immediately be placed in the custody and control of a wildlife**
 31 **sanctuary, a temporary holding facility, or a zoological park;**
 32 **or**
 33 **(2) if there is not an immediate threat to public safety or**
 34 **animal welfare, impound the dangerous wild animal in place**
 35 **where the dangerous wild animal is located.**
- 36 **(b) After a dangerous wild animal is seized or impounded under**
 37 **subsection (a), the prosecuting attorney of the county shall petition**
 38 **the circuit or superior court in the county where the dangerous**
 39 **wild animal was seized or impounded for a hearing to determine**
 40 **whether the dangerous wild animal was possessed, sold,**
 41 **transferred, bred, or exhibited in violation of this chapter. The**
 42 **hearing must be held not more than ten (10) days after the date of**



1 the seizure or impoundment. The court shall provide written notice
2 of the hearing at least five (5) days before the hearing to the person
3 from whom the dangerous wild animal was seized or impounded.

4 (c) If the court finds that the person knowingly or intentionally
5 possessed, sold, transferred, bred, or exhibited a dangerous wild
6 animal in violation of this chapter, the seized or impounded
7 dangerous wild animal shall be forfeited, and the court shall order
8 the violator to pay all reasonable expenses incurred in caring for
9 the dangerous wild animal, from the time the dangerous wild
10 animal was seized until the time the dangerous wild animal is
11 forfeited to a zoological park, wildlife sanctuary, or temporary
12 holding facility. The court may issue an order prohibiting the
13 possession or ownership of dangerous wild animals or other
14 nonnative wild animals by the person found guilty under this
15 section.

16 (d) A dangerous wild animal that has been forfeited under
17 subsection (c) must be transferred to a zoological park or a wildlife
18 sanctuary that is willing and able to take custody of the forfeited
19 dangerous wild animal.

20 (e) This section does not prevent a law enforcement officer from
21 humanely euthanizing or authorizing the humane euthanization of
22 a dangerous wild animal in compliance with state and federal law
23 if, after reasonable efforts, a zoological park or a wildlife sanctuary
24 has not been located that is willing and able to provide long term
25 care for the dangerous wild animal.

26 Sec. 7. The owner of a dangerous wild animal may voluntarily
27 relinquish a dangerous wild animal to a person or facility that is
28 legally able to possess the dangerous wild animal and willing and
29 able to take possession. A person's voluntary relinquishment does
30 not affect any criminal charge for a violation of this chapter.

31 Sec. 8. If a dangerous wild animal is not properly confined,
32 whether on the property of the owner or running at large, and if
33 the dangerous wild animal is threatening public safety, the
34 dangerous wild animal may be humanely destroyed by a law
35 enforcement officer. The owner of the dangerous wild animal is
36 liable for costs incurred by the law enforcement officer in
37 humanely destroying or securing the dangerous wild animal.

38 Sec. 9. (a) This section applies beginning July 1, 2017.

39 (b) Except as provided in subsection (c), a person who
40 knowingly or intentionally violates this chapter commits a Class A
41 misdemeanor.

42 (c) The owner or custodian of a dangerous wild animal whose



1 **willful act or omission, gross negligence, or wanton misconduct in**
 2 **the care, control, or containment of a dangerous wild animal:**

3 **(1) demonstrates a reckless disregard for human life; and**

4 **(2) is the proximate cause of the dangerous wild animal**
 5 **attacking and causing serious bodily injury or death to an**
 6 **individual;**

7 **commits a Level 6 felony.**

8 **Sec. 10. (a) Except as provided in subsection (b), an ordinance**
 9 **or resolution may not add to or remove from the list of facilities or**
 10 **persons that are exempted under section 1 of this chapter.**

11 **(b) A city, town, or county may adopt an ordinance or a**
 12 **township may adopt a resolution that includes more stringent**
 13 **restrictions or additional requirements on the possession, sale,**
 14 **transfer, or breeding of dangerous wild animals.**

15 **Sec. 11. The commission shall adopt rules under IC 4-22-2 to**
 16 **establish registration fees under this chapter.**

17 SECTION 5. IC 35-52-14-27.5 IS ADDED TO THE INDIANA
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE UPON PASSAGE]: **Sec. 27.5. IC 14-22-26.5-9 defines**
 20 **crimes concerning dangerous wild animals.**

21 SECTION 6. **An emergency is declared for this act.**

