

As Introduced

**129th General Assembly
Regular Session
2011-2012**

H. B. No. 352

Representative Phillips

**Cosponsors: Representatives Antonio, Ashford, Garland, Letson, Murray,
O'Brien, Ramos, Szollosi, Fedor, Goyal**

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A B I L L

To amend section 1531.99 and to enact section 1531.40 1
of the Revised Code to prohibit the future 2
acquisition of a dangerous exotic animal, to 3
require a person owning a dangerous exotic animal 4
on the act's effective date to register it with 5
the Division of Wildlife, and to declare an 6
emergency. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 1531.99 be amended and section 8
1531.40 of the Revised Code be enacted to read as follows: 9

Sec. 1531.40. (A) On and after the effective date of this 10
section, no person shall acquire by any means a dangerous exotic 11
animal. 12

(B) A person who owns a dangerous exotic animal on the 13
effective date of this section shall register the animal with the 14
division of wildlife not later than sixty days after that date. A 15
registration may be issued if both of the following apply: 16

(1) The person has not been convicted of an offense involving 17
the abuse or neglect of any animal pursuant to any local, state, 18

or federal law. 19

(2) The person has not had a license or permit regarding the 20
care, possession, exhibition, breeding, or sale of animals revoked 21
or suspended by any local, state, or federal agency. 22

The care and disposition of dangerous wild animals owned by a 23
person who is not eligible for a registration under this division 24
shall be conducted in accordance with rules adopted under this 25
section. 26

(C) The chief of the division of wildlife shall adopt rules 27
under section 1531.10 of the Revised Code that establish both of 28
the following: 29

(1) A requirement that the owner of a dangerous exotic animal 30
who registered the animal under division (B) of this section have 31
the animal microchipped, and requirements and procedures governing 32
that microchipping; 33

(2) Any other requirements and procedures that are necessary 34
to administer this section, including requirements governing the 35
disposition of dangerous exotic animals owned by persons who are 36
not eligible for registration under division (B) of this section. 37

(D) This section does not apply to any of the following: 38

(1) The division of wildlife; 39

(2) A facility that is an accredited member of the American 40
zoo and aquarium association or that is under mentorship of the 41
association; 42

(3) An accredited member of the American zoo and aquarium 43
association or an entity that is under mentorship of the 44
association that is conducting educational or other activities 45
with dangerous exotic animals outside of the facility that is 46
operated by the member; 47

(4) A humane society; 48

<u>(5) A veterinary hospital or clinic;</u>	49
<u>(6) A wildlife sanctuary;</u>	50
<u>(7) A research facility as defined in the "Animal Welfare Act of 1966," 80 Stat. 350, 7 U.S.C. 2131, as amended;</u>	51 52
<u>(8) A vocational school, college, university, or other educational institution;</u>	53 54
<u>(9) A traveling public show or circus that uses dangerous exotic animals as an integral part of the show or circus performance and that keeps the animals in this state only during the time period when the traveling public show or circus is performing in this state;</u>	55 56 57 58 59
<u>(10) An individual who does not reside in this state and is traveling through this state with a dangerous exotic animal, who has the animal confined in a cage at all times, and who is in this state not more than ninety-six hours;</u>	60 61 62 63
<u>(11) A law enforcement agency;</u>	64
<u>(12) Any other entity designated by the chief in rules adopted under this section.</u>	65 66
<u>(E) As used in this section:</u>	67
<u>(1) "Dangerous exotic animal" means any of the following:</u>	68
<u>(a) A large cat other than a cat commonly known as a house cat;</u>	69 70
<u>(b) A nonhuman primate, except a nonhuman primate that provides support or assistance for a mobility impaired person;</u>	71 72
<u>(c) An alligator;</u>	73
<u>(d) A crocodile;</u>	74
<u>(e) A constricting snake;</u>	75
<u>(f) A venomous snake;</u>	76

(g) Any other animal designated by the chief in rules adopted under this section. 77
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(2) "Humane society" means an organization that is organized under section 1717.05 of the Revised Code. 79
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(3) "Wildlife sanctuary" means a nonprofit organization as described in section 170 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 170, as amended, that operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced dangerous exotic animals are provided care for their lifetime or released back to their natural habitat and, with respect to an animal possessed by the organization, that does not do any of the following: 81
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(a) Use the animal for any type of entertainment; 89

(b) Sell, trade, or barter the animal or the animal's body parts; 90
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(c) Breed the animal. 92

Sec. 1531.99. (A) Whoever violates section 1531.02 of the Revised Code, or any division rule, other than a rule adopted under section 1531.25 of the Revised Code, is guilty of a misdemeanor of the fourth degree. 93
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(B) Whoever violates section 1531.02 of the Revised Code concerning the taking or possession of deer or violates division (K) of section 1531.06 or section 1531.07 or 1531.29 of the Revised Code is guilty of a misdemeanor of the third degree on a first offense; on each subsequent offense, that person is guilty of a misdemeanor of the first degree. 97
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(C) Whoever violates section 1531.25 of the Revised Code is guilty of a misdemeanor of the first degree. 103
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(D) Whoever violates section 1531.02 of the Revised Code concerning the buying, selling, or offering for sale of any wild 105
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animals or parts of wild animals, the minimum value of which 107
animals or parts, in the aggregate, is one thousand dollars or 108
more as established under section 1531.201 of the Revised Code, is 109
guilty of a felony of the fifth degree. 110

(E) Whoever violates section 1531.40 of the Revised Code is 111
guilty of a misdemeanor of the first degree on a first offense and 112
a felony of the fifth degree on each subsequent offense. 113

(F) A court that imposes sentence for a violation of any 114
section of this chapter governing the holding, taking, buying, 115
selling, or possession of wild animals, including, without 116
limitation, section 1531.11 of the Revised Code, may require the 117
person who is convicted of or pleads guilty to the offense, in 118
addition to any fine, term of imprisonment, seizure, and 119
forfeiture imposed, to make restitution for the minimum value of 120
the wild animal illegally held, taken, bought, sold, or possessed 121
as established under section 1531.201 of the Revised Code. An 122
officer who collects moneys paid as restitution under this section 123
shall pay those moneys to the treasurer of state who shall deposit 124
them in the state treasury to the credit of the wildlife fund 125
established under section 1531.17 of the Revised Code. 126

Section 2. That existing section 1531.99 of the Revised Code 127
is hereby repealed. 128

Section 3. Division (B) of section 1531.40 of the Revised 129
Code, as enacted by this act, does not apply until the 130
ninety-first day after the effective date of this act. 131

Section 4. This act is hereby declared to be an emergency 132
measure necessary for the immediate preservation of the public 133
peace, health, and safety. The reason for such necessity is the 134
need to protect the citizens of the state from injury or harm 135
caused by dangerous exotic animals. Therefore, this act shall go 136

into immediate effect.

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