

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 521 Session of 2013

INTRODUCED BY ALLOWAY, SCHWANK, WOZNIAK, TEPLITZ, ERICKSON, DINNIMAN, GREENLEAF, SOLOBAY, BREWSTER, BRUBAKER AND FERLO, FEBRUARY 20, 2013

SENATOR ALLOWAY, GAME AND FISHERIES, AS AMENDED, MARCH 12, 2013

AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated
2 Statutes, in special licenses and permits, further providing
3 for definitions, for exotic wildlife possession permits and
4 for menagerie permits.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. The definitions of "exotic wildlife," "exotic
8 wildlife dealer" and "menagerie" in section 2961 of Title 34 of
9 the Pennsylvania Consolidated Statutes are amended to read:

10 § 2961. Definitions.

11 The following words and phrases when used in this subchapter
12 shall have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 * * *

15 "Exotic wildlife." The phrase includes[, but is not limited
16 to, all bears, coyotes, lions, tigers, leopards, jaguars,
17 cheetahs, cougars, wolves and any crossbreed of these animals
18 which have similar characteristics in appearance or features.

1 The definition is applicable whether or not the birds or animals
2 were bred or reared in captivity or imported from another state
3 or nation.] all nonindigenous animals and the following,
4 regardless of whether the animals are bred or reared in
5 captivity or imported from another nation or state:

6 (1) All members of the order Primates (nonhuman
7 primates).

8 (2) All members of the family Ursidae (bears).

9 (3) All members of the species:

10 (i) Canis latrans (coyotes).

11 (ii) Canis lupus (gray wolves).

12 (iii) Canis rufus (red wolves).

13 (iv) Felis rufus (bobcats).

14 (v) Panthera leo (lions).

15 (vi) Panthera tigris (tigers).

16 (vii) Panthera pardus (leopards).

17 (viii) Panthera uncia (snow leopards).

18 (ix) Neofelis nebulosa (clouded leopards).

19 (x) Panthera onca (jaguars).

20 (xi) Acinonyx jubatus (cheetahs).

21 (xii) Felis concolor (cougars).

22 (xiii) Any crossbreed of the animals specified in
23 this paragraph.

24 The term does not include any member of the class Aves (birds),
25 any member of the families Equidae (horses, asses and zebras),
26 Camelidae (camels, alpacas and llamas), Cervidae (deer, moose
27 and elk), Bovidae (wild cattle and spiral-horned antelopes),
28 Muridae (rats and mice), Chinchillidae (chinchillas and
29 viscachas), Leporidae (rabbits and hares), Petauridae (gliders
30 and striped possums) or any member of the species Mustela furo

1 (domestic ferrets) or Cavia porcellus (domestic guinea pigs) or
2 any domestic animal as that term is defined in 18 Pa.C.S. § 5511
3 (relating to cruelty to animals).

4 "Exotic wildlife dealer." Any person who:

5 (1) imports into this Commonwealth, possesses, buys,
6 sells, locates or finds for a fee, barter, donates, gives
7 away or otherwise disposes of [more than one bird or one
8 animal classified as] exotic wildlife [by this subchapter.];
9 and

10 (2) engages in at least five documented transactions
11 annually involving exotic wildlife.

12 "Menagerie." Any place where [one or more] wild birds or
13 wild animals, [or one or more] including exotic wildlife, or ten
14 or more birds or animals which have similar characteristics and
15 appearance to birds or animals wild by nature, are kept in
16 captivity for the evident purpose of public exhibition with [or
17 without] charge.

18 Section 2. Sections 2963 and 2964(c) and (d) of Title 34 are
19 amended to read:

20 § 2963. Exotic wildlife possession permits.

21 (a) Authorization.--[The] Subject to the provisions of
22 subsection (a.1), the commission may issue permits to persons to
23 possess exotic wildlife which shall authorize the holder to
24 purchase, receive or possess exotic wildlife from any lawful
25 source from within or without this Commonwealth.

26 (a.1) Prohibition.--

27 (1) On and after January 1, 2014, the commission shall
28 not issue any new permits authorized under subsection (a) for
29 the possession of exotic wildlife, and may only issue permits
30 as set forth in sections 2962 (relating to exotic wildlife

1 dealer permits) and 2964 (relating to menagerie permits).

2 (2) Permits issued under subsection (a) prior to
3 December 31, 2013, may only authorize the continued
4 possession, after December 31, 2013, of the individual exotic
5 wildlife identified in the permit, provided that, after the
6 effective date of this subsection, no permits for possession,
7 purchase or receipt of exotic wildlife may be issued to any
8 person who has been convicted of or fined for an offense
9 involving the abuse or neglect or any animal pursuant to any
10 Federal, State or local law.

11 (3) The provisions of paragraph (1) shall not apply to a
12 wildlife sanctuary that:

13 (i) The commission has designated as a facility to
14 operate as a nonprofit place of refuge to provide
15 temporary or lifetime shelter, care and protection for
16 abused, neglected, unwanted, impounded, orphaned or
17 displaced wildlife under section 2902(c) (relating to
18 general categories of permits).

19 (ii) Is accredited by the Global Federation of
20 Animal Sanctuaries.

21 (iii) Does not conduct any commercial activity with
22 respect to exotic wildlife, including, but not limited
23 to:

24 (A) sale, trade, auction, lease or loan of
25 exotic wildlife or parts of such animals; or

26 (B) use of exotic wildlife in any manner in a
27 for-profit business or operation.

28 (iv) Does not use exotic wildlife for entertainment
29 purposes or in a traveling exhibit.

30 (v) Does not breed any exotic wildlife.

1 (vi) Does not allow members of the public the
2 opportunity to come into direct contact with exotic
3 wildlife.

4 (vii) Does not allow members of the public to feed
5 exotic wildlife.

6 [(b) Shelter, care and protection.--No permit provided for
7 in this section shall be granted until the commission is
8 satisfied that the provisions for housing and caring for such
9 exotic wildlife and for protecting the public are proper and
10 adequate and in accordance with the standards established by the
11 commission.]

12 (c) Unlawful acts.--It is unlawful for any person to:

13 (1) [Possess, purchase or receive exotic wildlife,] Keep
14 exotic wildlife in captivity, have exotic wildlife in the
15 person's custody or control or purchase or receive exotic
16 wildlife without first securing a permit [to possess exotic
17 wildlife issued under this section or regulations pertaining
18 to this section.] issued by the commission as set forth in
19 this section or sections 2962 and 2964.

20 (2) [Release] Violate any of the provisions of this
21 section or release exotic wildlife into the wild.

22 (3) Fail to exercise due care in safeguarding the public
23 from attack by exotic wildlife.

24 (4) Recklessly engage in conduct which places or may
25 place another person in danger of attack by exotic wildlife.

26 (d) Penalty.--

27 (1) A violation of this section relating to [permits is
28 a summary offense of the third degree] unlawful release of
29 exotic wildlife is a misdemeanor.

30 (2) Any other violation of this section is a summary

1 offense of the [fifth] first degree.

2 (3) Each day of violation shall constitute a separate
3 offense[, but under no circumstances shall the accumulated
4 penalty for purposes of a field receipt exceed \$300. There
5 shall be no limit on any accumulated penalty a court may
6 assess].

7 (4) A second or subsequent conviction within a seven-
8 year period for a violation of subsection (c)(1) or (2) is a
9 misdemeanor OF THE FIRST DEGREE. <--

10 [(e) Discretion of director.--In addition to the penalties
11 provided, the director may, for any violation of this section,
12 revoke or suspend any permit and order the disposal of any
13 exotic wildlife held.]

14 § 2964. Menagerie permits.

15 * * *

16 (c) Unlawful acts.--It is unlawful to:

17 (1) Keep any wild bird or wild animal in captivity for
18 public exhibition, or to have any wild bird or wild animal in
19 custody or control for such purpose, without first securing a
20 permit issued by the commission.

21 (2) Violate any of the provisions of this section or to
22 release any bird or animal into the wild.

23 (3) Fail to exercise due care in safeguarding the public
24 from attack by exotic wildlife.

25 (4) Recklessly engage in conduct which places or may
26 place another person in danger of attack by exotic wildlife.

27 (5) Allow members of the public the opportunity to come
28 into direct contact with exotic wildlife.

29 (d) Penalty.--

30 (1) A violation of this section relating to permits or

1 regulations adopted thereunder is a summary offense of the
2 second degree.

3 (1.1) A violation of this section relating to unlawful
4 release of exotic wildlife is a misdemeanor.

5 (2) Any other violation of this section is a summary
6 offense of the seventh degree.

7 (3) Each day of violation shall constitute a separate
8 offense[, but, under no circumstances, shall the accumulated <--
9 penalty for purposes of a field receipt exceed \$300. There
10 shall be no limit on any accumulated penalty a court may
11 assess]. <--

12 (4) A SECOND OR SUBSEQUENT CONVICTION WITH A SEVEN-YEAR <--
13 PERIOD FOR A VIOLATION OF SUBSECTION (C) IS A MISDEMEANOR OF
14 THE FIRST DEGREE.

15 * * *

16 Section 3. This act shall take effect in 60 days.