
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1398 Session of
2011

INTRODUCED BY STABACK, CALTAGIRONE, COHEN, J. EVANS, HARKINS,
HORNAMAN, JOSEPHS, KAVULICH, W. KELLER, KIRKLAND, MURT,
O'NEILL, K. SMITH, TAYLOR AND CARROLL, APRIL 27, 2011

REFERRED TO COMMITTEE ON GAME AND FISHERIES, APRIL 27, 2011

AN ACT

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

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

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

9 § 2961. Definitions.

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

13 * * *

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

1 were bred or reared in captivity or imported from another state
2 or nation.] all nonindigenous animals and the following,
3 regardless of whether the animals are bred or reared in
4 captivity or imported from another state or nation:

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

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

8 (3) All members of the species:

9 (i) Canis latrans (coyotes).

10 (ii) Canis lupus (gray wolves).

11 (iii) Canis rufus (red wolves).

12 (iv) Felis rufus (bobcat).

13 (v) Panthera leo (lions).

14 (vi) Panthera tigris (tigers).

15 (vii) Panthera pardus (leopards).

16 (viii) Panthera unica (snow leopards).

17 (ix) Neofelis nebulosa (clouded leopard).

18 (x) Panthera onca (jaguars).

19 (xi) Acinonyx jubatus (cheetahs).

20 (xii) Felis concolor (cougars).

21 (xiii) Any crossbreed of the animals specified in
22 this paragraph which have similar characteristics in
23 appearance or features.

24 The term shall not be construed to include any member of the
25 class Aves (birds), any member of the families Equidae (horses,
26 asses and zebras), Camelidae (camels, alpacas and llamas),
27 Cervidae (deer, moose and elk), Bovidae (wild cattle and spiral-
28 horned antelopes), Muridae (rats and mice), Chinchillidae
29 (chinchillas and viscachas), Leporidae (rabbits and hares),
30 Erinaceidae (hedgehogs and moonrats), Petauridae (gliders and

1 striped possums) or any member of the species Mustela furo
2 (domestic ferrets) or Cavia porcellus (domestic guinea pigs).

3 "Exotic wildlife dealer." Any person who:

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

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

11 * * *

12 Section 2. Section 2963 of Title 34 is amended to read:

13 § 2963. Exotic wildlife possession permits.

14 [(a) Authorization.--The commission may issue permits to
15 persons to possess exotic wildlife which shall authorize the
16 holder to purchase, receive or possess exotic wildlife from any
17 lawful source from within or without this Commonwealth.

18 (b) Shelter, care and protection.--No permit provided for in
19 this section shall be granted until the commission is satisfied
20 that the provisions for housing and caring for such exotic
21 wildlife and for protecting the public are proper and adequate
22 and in accordance with the standards established by the
23 commission.]

24 (b.1) (1) Commencing on January 1, 2012, the commission
25 shall not issue permits for the possession of exotic
26 wildlife, except as set forth in sections 2930 (relating to
27 propagating permits), 2962 (relating to exotic wildlife
28 dealer permits) and 2964(a) (relating to menagerie permits).

29 (2) (i) The provisions of paragraph (1) shall not apply
30 to exotic wildlife lawfully possessed pursuant to an

1 exotic wildlife possession permit, provided that the
2 permit is used prior to December 31, 2011. The permit
3 shall only authorize the continued possession, after
4 December 31, 2011, of the exotic wildlife identified in
5 the permit.

6 (ii) This paragraph shall not be construed to
7 authorize acquisition, display, exhibition or disposal of
8 any additional exotic wildlife after December 31, 2011.
9 This subparagraph shall not apply to any young born after
10 December 31, 2011, from otherwise lawfully held exotic
11 wildlife.

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 or have exotic wildlife in the
15 person's custody or control, without first securing a permit
16 [to possess exotic wildlife issued under this section or
17 regulations pertaining to this section] issued by the
18 commission.

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

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

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

25 (d) Penalty.--

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

29 (2) Any other violation of this section is a summary
30 offense of the [fifth] first degree.

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

6 (4) A second or subsequent conviction within a seven-
7 year period for:

8 (i) A violation of subsection (c)(1), is a
9 misdemeanor of the first degree.

10 (ii) A violation of subsection (c)(2), is a
11 misdemeanor offense.

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

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