

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, CARROLL AND MANN, APRIL 27, 2011

SENATOR ALLOWAY, GAME AND FISHERIES, IN SENATE, AS AMENDED, MARCH 28, 2012

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.

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 state or nation:

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 (bobcat).

14 (v) Panthera leo (lions).

15 (vi) Panthera tigris (tigers).

16 (vii) Panthera pardus (leopards).

17 (viii) Panthera unica (snow leopards).

18 (ix) Neofelis nebulosa (clouded leopard).

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 which have similar characteristics in
24 appearance or features.

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

1 Erinaceidae (hedgehogs and moonrats), Petauridae (gliders and
2 striped possums) or any member of the species Mustela furo
3 (domestic ferrets) or Cavia porcellus (domestic guinea pigs) OR ←
4 ANY "DOMESTIC ANIMAL" AS THAT TERM IS DEFINED IN 18 PA.C.S. §
5 5511 (RELATING TO CRUELTY TO ANIMALS).

6 "Exotic wildlife dealer." Any person who:

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

12 (2) engages in at least five documented transactions
13 annually involving exotic wildlife.

14 * * *

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

16 § 2963. Exotic wildlife possession permits.

17 †(a) Authorization.--The commission may issue permits to ←
18 persons to possess exotic wildlife which shall authorize the
19 holder to purchase, receive or possess exotic wildlife from any
20 lawful source from within or without this Commonwealth.

21 (A.1) PROHIBITION.-- ←

22 (1) ON JANUARY 1, 2013, THE COMMISSION SHALL NOT ISSUE
23 ANY NEW PERMITS AUTHORIZED UNDER SUBSECTION (A) FOR THE
24 POSSESSION OF EXOTIC WILDLIFE, AND SHALL ONLY ISSUE PERMITS
25 AS SET FORTH IN SECTIONS 2930 (RELATING TO PROPAGATING
26 PERMITS), 2962 (RELATING TO EXOTIC WILDLIFE DEALER PERMITS)
27 AND 2964(A) (RELATING TO MENAGERIE PERMITS) AND 58 PA. CODE §
28 147.302 (RELATING TO GENERAL).

29 (2) (I) THE PROVISIONS OF PARAGRAPH (1) SHALL NOT APPLY
30 TO A PERMIT ISSUED UNDER SUBSECTION (A), PROVIDED THAT

1 THE PERMIT IS ISSUED PRIOR TO DECEMBER 31, 2012. THE
2 PERMIT SHALL ONLY AUTHORIZE THE CONTINUED POSSESSION,
3 AFTER DECEMBER 31, 2012, OF THE EXOTIC WILDLIFE
4 IDENTIFIED IN THE PERMIT.

5 (II) THE PROVISIONS OF PARAGRAPH (1) SHALL NOT APPLY
6 TO A WILDLIFE SANCTUARY FOR WHICH THE COMMISSION, IN ITS
7 SOLE DISCRETION, HAS DESIGNATED A FACILITY AND AUTHORIZED
8 IT TO OPERATE AS A PLACE OF REFUGE TO PROVIDE TEMPORARY
9 OR LIFETIME SHELTER, CARE AND PROTECTION FOR ABUSED,
10 NEGLECTED, UNWANTED, IMPOUNDED, ABANDONED, ORPHANED OR
11 DISPLACED WILDLIFE UNDER THE AUTHORITY PROVIDED UNDER
12 SECTION 2902(C) (RELATING TO GENERAL CATEGORIES OF
13 PERMITS).

14 (3) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO
15 ANY YOUNG BORN AFTER DECEMBER 31, 2012, FROM EXOTIC WILDLIFE
16 WITH A VALID PERMIT ISSUED UNDER SUBSECTION (A).

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

23 ~~(b.1) Prohibition.~~

24 ~~(1) Commencing on January 1, 2013, the commission shall~~
25 ~~not issue permits for the possession of exotic wildlife,~~
26 ~~except as set forth in sections 2930 (relating to propagating~~
27 ~~permits), 2962 (relating to exotic wildlife dealer permits)~~
28 ~~and 2964(a) (relating to menagerie permits) and 58 Pa. Code §~~
29 ~~147.302 (relating to general).~~

30 ~~(2) (i) The provisions of paragraph (1) shall not apply~~



1 ~~to exotic wildlife lawfully possessed pursuant to an~~
2 ~~exotic wildlife possession permit, provided that the~~
3 ~~permit is used prior to December 31, 2012. The permit~~
4 ~~shall only authorize the continued possession, after~~
5 ~~December 31, 2012, of the exotic wildlife identified in~~
6 ~~the permit.~~

7 ~~(ii) The provisions of paragraph (1) shall not apply~~
8 ~~to a wildlife sanctuary for which the commission, in its~~
9 ~~sole discretion, has designated a facility and authorized~~
10 ~~it to operate as a place of refuge to provide temporary~~
11 ~~or lifetime shelter, care and protection for abused,~~
12 ~~neglected, unwanted, impounded, abandoned, orphaned or~~
13 ~~displaced wildlife under the authority provided under~~
14 ~~section 2902(c) (relating to general categories of~~
15 ~~permits).~~

16 ~~(iii) This paragraph shall not be construed to~~
17 ~~authorize acquisition, display, exhibition or disposal of~~
18 ~~any additional exotic wildlife after December 31, 2012.~~
19 ~~This subparagraph shall not apply to any young born after~~
20 ~~December 31, 2012, from otherwise lawfully held exotic~~
21 ~~wildlife.~~

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

23 (1) [Possess, purchase or receive exotic wildlife] Keep
24 exotic wildlife in captivity or have exotic wildlife in the
25 person's custody or control, without first securing a permit
26 [to possess exotic wildlife issued under this section or
27 regulations pertaining to this section] issued by the
28 commission as set forth in sections 2930, 2962, 2963 and
29 2964(a) or 58 Pa. Code § 147.302.

30 (2) [Release] Violate any of the provisions of this



1 section or release exotic wildlife into the wild.

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

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

6 (d) Penalty.--

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

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

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

17 (4) A second or subsequent conviction within a seven-
18 year period for a violation of subsection (c) (1) or (2) is a
19 misdemeanor of the first degree.

20 †(e) Discretion of director.--In addition to the penalties ←
21 provided, the director may, for any violation of this section,
22 revoke or suspend any permit and order the disposal of any
23 exotic wildlife held.† ←

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