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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2853 Session of  
2000

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INTRODUCED BY WOGAN, J. TAYLOR, KENNEY, MCGEEHAN, EVANS,  
YOUNGBLOOD, HORSEY, THOMAS, LEDERER, KELLER, GANNON,  
CORRIGAN, FICHTER, FRANKEL, GEIST, GEORGE, HENNESSEY,  
HERSHEY, MELIO, PISTELLA, PLATTS, RAYMOND, SATHER, STABACK,  
E. Z. TAYLOR, VAN HORNE, WALKO AND WILT, OCTOBER 31, 2000

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REFERRED TO COMMITTEE ON GAME AND FISHERIES, OCTOBER 31, 2000

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AN ACT

1 Amending Title 34 (Game) of the Pennsylvania Consolidated  
2 Statutes, further providing for permits relating to certain  
3 wildlife and for penalties.

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

6 Section 1. Sections 2961, 2962, 2963, 2964 and 2965 of Title  
7 34 of the Pennsylvania Consolidated Statutes are amended to  
8 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 "Educational purposes." Displays by or for public or private  
14 schools, sportsmen's organizations, youth organizations, civic  
15 associations, conservation camps and school or any other  
16 organization deemed appropriate by the commission.

17 "[Exotic] Inherently dangerous wildlife." The phrase

1 includes, but is not limited to, all bears, coyotes, lions,  
2 tigers, leopards, jaguars, cheetahs, cougars, pit bulls, wolves  
3 and any crossbreed of these animals which have similar  
4 characteristics in appearance or features. The definition is  
5 applicable whether or not the [birds or] animals were bred or  
6 reared in captivity or imported from another state or nation.

7 "[Exotic] Inherently dangerous wildlife dealer." Any person  
8 who imports into this Commonwealth, possesses, buys, sells,  
9 locates or finds for a fee, barter, donates, gives away or  
10 otherwise disposes of more than one [bird or one] animal  
11 classified as [exotic] inherently dangerous wildlife by this  
12 subchapter.

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

18 § 2962. [Exotic] Inherently dangerous wildlife dealer permits.

19 (a) Authorization.--The commission may issue a permit to a  
20 person to act as an [exotic] inherently dangerous wildlife  
21 dealer. The permit shall authorize the holder to import into  
22 this Commonwealth, possess, buy, sell, locate or find for a fee,  
23 barter, donate, give away or otherwise dispose of [exotic]  
24 inherently dangerous wildlife. A dealer or third person who  
25 arranges any trades, sales or purchases set forth in section  
26 2965 (relating to exclusions) for any type of a fee,  
27 reimbursement or commission shall be required to have an  
28 [exotic] inherently dangerous wildlife dealer's permit.

29 (b) Shelter, care and protection.--No permit shall be  
30 granted by the commission until it is satisfied that the

1 provisions for housing and caring for the [exotic] inherently  
2 dangerous wildlife and protection for the public are proper and  
3 adequate and in accordance with the standards which may be  
4 established by regulations adopted by the commission.

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

6 (1) Import into this Commonwealth, possess, buy, sell,  
7 locate or find for a fee, barter, donate, give away or  
8 otherwise dispose of more than one [bird or one] animal  
9 classified as [exotic] inherently dangerous wildlife in any  
10 calendar year without first securing a permit issued under  
11 this section.

12 (2) Release [exotic] inherently dangerous wildlife into  
13 the wild.

14 (3) Fail to exercise due care in safeguarding the public  
15 from attack by [exotic] inherently dangerous wildlife.

16 (4) Recklessly engage in conduct which places or may  
17 place another person in danger of attack by [exotic]  
18 inherently dangerous wildlife.

19 (d) Penalty.--

20 (1) A violation of this section relating to permits or  
21 regulations adopted thereunder is a summary offense of the  
22 first degree.

23 (2) [Any] Except as provided in paragraph (2.1), any  
24 other violation of this section is a summary offense of the  
25 sixth degree.

26 (2.1) Notwithstanding paragraphs (1) and (2), a  
27 violation of subsection (c)(3) is a misdemeanor of the second  
28 degree.

29 (3) Each day of violation shall constitute a separate  
30 offense, but, under no circumstances, shall the accumulated

1 penalty for purposes of a field receipt exceed \$500. There  
2 shall be no limit on any accumulated penalty a court may  
3 assess.

4 (e) Discretion of director.--In addition to the penalties  
5 provided, the director may, for any violation of this section or  
6 the rules and regulations thereunder, revoke or suspend any  
7 permit and order the disposal of any [exotic] inherently  
8 dangerous wildlife held.

9 § 2963. [Exotic] Inherently dangerous wildlife possession  
10 permits.

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

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

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

23 (1) Possess, purchase or receive [exotic] inherently  
24 dangerous wildlife, without first securing a permit to  
25 possess [exotic] inherently dangerous wildlife issued under  
26 this section or regulations pertaining to this section.

27 (2) Release [exotic] inherently dangerous wildlife into  
28 the wild.

29 (3) Fail to exercise due care in safeguarding the public  
30 from attack by [exotic] inherently dangerous wildlife.

1 (4) Recklessly engage in conduct which places or may  
2 place another person in danger of attack by [exotic]  
3 inherently dangerous wildlife.

4 (d) Penalty.--

5 (1) A violation of this section relating to permits is a  
6 summary offense of the third degree.

7 (2) [Any] Except as provided in paragraph (2.1), any  
8 other violation of this section is a summary offense of the  
9 fifth degree.

10 (2.1) Notwithstanding paragraphs (1) and (2), a  
11 violation of subsection (c)(3) is a misdemeanor of the second  
12 degree.

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

18 (e) Discretion of director.--In addition to the penalties  
19 provided, the director may, for any violation of this section,  
20 revoke or suspend any permit and order the disposal of any  
21 [exotic] inherently dangerous wildlife held.

22 § 2964. Menagerie permits.

23 (a) Authorization.--The commission may issue permits for the  
24 establishment and operation of menageries.

25 (b) Shelter, care and protection.--Prior to the issuance of  
26 any permits, the commission shall adopt regulations for the  
27 housing, care, treatment, feeding, sanitation, purchase and  
28 disposal of wild birds and wild animals kept in menageries and  
29 for the protection of the public from such birds or animals. The  
30 commission after issuing the permit shall enforce such

1 regulations.

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

3 (1) Keep any wild bird or wild animal in captivity for  
4 public exhibition, or to have any wild bird or wild animal in  
5 custody or control for such purpose, without first securing a  
6 permit issued by the commission.

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

9 (3) Fail to exercise due care in safeguarding the public  
10 from attack by [exotic] inherently dangerous wildlife.

11 (4) Recklessly engage in conduct which places or may  
12 place another person in danger of attack by [exotic]  
13 inherently dangerous wildlife.

14 (d) Penalty.--

15 (1) A violation of this section relating to permits or  
16 regulations adopted thereunder is a summary offense of the  
17 second degree.

18 (2) [Any] Except as provided in paragraph (2.1), any  
19 other violation of this section is a summary offense of the  
20 seventh degree.

21 (2.1) Notwithstanding paragraphs (1) and (2), a  
22 violation of subsection (c)(3) is a misdemeanor of the second  
23 degree.

24 (3) Each day of violation shall constitute a separate  
25 offense, but, under no circumstances, shall the accumulated  
26 penalty for purposes of a field receipt exceed \$300. There  
27 shall be no limit on any accumulated penalty a court may  
28 assess.

29 (e) Discretion of director.--In addition to the penalties  
30 provided, the director may, for any violation of this section,

1 revoke or suspend any permit and order the disposal of any  
2 wildlife held in the menagerie.

3 § 2965. Exclusions.

4 (a) General rule.--The provisions of sections 2930 (relating  
5 to propagating permits), 2962(a) (relating to [exotic]  
6 inherently dangerous wildlife dealer permits), 2963(a) (relating  
7 to [exotic] inherently dangerous wildlife possession permits)  
8 and 2964(a) (relating to menagerie permits) shall not apply to  
9 any:

10 (1) Public zoological garden which receives government  
11 grants or appropriations.

12 (2) Private zoological park or garden which is open to  
13 the public and is accredited by the American Association of  
14 Zoological Parks and Aquariums.

15 (3) Nationally recognized circus.

16 (b) Specific exclusion for [exotic] inherently dangerous  
17 wildlife dealer permits.--The provisions of section 2962(a)  
18 shall not apply to any individual, partnership, association or  
19 corporation which holds a permit issued pursuant to section  
20 2964, providing the purchase or sale of [exotic] inherently  
21 dangerous wildlife or other authorized transaction is conducted  
22 for the sole purpose of maintaining stock for the menagerie.

23 Section 2. This act shall take effect in 60 days.