
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 263 Session of
2015

INTRODUCED BY ALLOWAY, GREENLEAF, LEACH AND BREWSTER,
JANUARY 16, 2015

REFERRED TO GAME AND FISHERIES, JANUARY 16, 2015

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.
19 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 nation or state:

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 (bobcats).

13 (v) Panthera leo (lions).

14 (vi) Panthera tigris (tigers).

15 (vii) Panthera pardus (leopards).

16 (viii) Panthera uncia (snow leopards).

17 (ix) Neofelis nebulosa (clouded leopards).

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.

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

1 any domestic animal as that term is defined in 18 Pa.C.S. § 5511
2 (relating to cruelty to animals).

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 "Menagerie." Any place where [one or more] wild birds or
12 wild animals, [or one or more] including exotic wildlife, or 10
13 or more birds or animals which have similar characteristics and
14 appearance to birds or animals wild by nature, are kept in
15 captivity for the evident purpose of public exhibition with [or
16 without] charge.

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

19 § 2963. Exotic wildlife possession permits.

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

25 (a.1) Prohibition.--

26 (1) On and after January 1, 2016, the commission shall
27 not issue any new permits authorized under subsection (a) for
28 the possession of exotic wildlife, and may only issue permits
29 as set forth in sections 2962 (relating to exotic wildlife
30 dealer permits) and 2964 (relating to menagerie permits).

1 (2) Permits issued under subsection (a) prior to
2 December 31, 2015, may only authorize the continued
3 possession, after December 31, 2015, of the individual exotic
4 wildlife identified in the permit, provided that, after the
5 effective date of this subsection, no permits for possession,
6 purchase or receipt of exotic wildlife may be issued to any
7 person who has been convicted of or fined for an offense
8 involving the abuse or neglect or any animal pursuant to any
9 Federal, State or local law.

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

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

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

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

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

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

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

29 (v) Does not breed any exotic wildlife.

30 (vi) Does not allow members of the public the

1 opportunity to come into direct contact with exotic
2 wildlife.

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

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

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

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

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.

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 a violation of subsection (c)(1) or (2) is a
8 misdemeanor of the first degree.

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

13 § 2964. Menagerie permits.

14 * * *

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

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

20 (2) Violate any of the provisions of this section or to
21 release any bird or animal 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 (5) Allow members of the public the opportunity to come
27 into direct contact with exotic wildlife.

28 (d) Penalty.--

29 (1) A violation of this section relating to permits or
30 regulations adopted thereunder is a summary offense of the

1 second degree.

2 (1.1) A violation of this section relating to unlawful
3 release of exotic wildlife is a misdemeanor.

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

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

11 (4) A second or subsequent conviction within a seven-
12 year period for a violation of subsection (c) is a
13 misdemeanor of the first degree.

14 * * *

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