



General Assembly **File No. 430**

**February Session,
2016**

Substitute Senate Bill No. 227

Senate, April 4, 2016

The Committee on Environment reported through SEN. KENNEDY of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING CECIL'S LAW.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective from passage*) (a) For purposes of this section, "big five African species" means any specimen of any of the following members of the animal kingdom: African elephant (*loxodonta africana*), African lion (*panthera leo*), African leopard (*panthera pardus pardus*), black rhinoceros (*diceros bicornis*) and white rhinoceros (*ceratotherium simum cottoni*), including any part, product or offspring thereof, or the dead body or parts thereof, except fossils, whether or not it is included in a manufactured product or in a food product.

(b) No person shall import, possess, sell, offer for sale or transport in this state any big five African species.

(c) Any law enforcement officer shall have authority to enforce the provisions of this section and, whenever necessary, to execute any warrant to search for and seize any big five African species imported, possessed, sold, offered for sale or transported in violation of this section.

(d) Unless such activity is otherwise prohibited by federal law, the provisions of subsection (b) of this section shall not apply if any of the following conditions exist: (1) Such specimen of a big five African species was located or possessed within the state prior to the effective date of this section and the legal owner of such specimen obtained a certificate of possession from the Commissioner of Energy and Environmental Protection; (2) such specimen of a big five African species is to be part of a temporary or permanent collection of a museum that has a tax exemption from the federal Internal Revenue Service as an educational or scientific institution,

provided such specimen is not subsequently sold, offered for sale, traded, bartered or distributed to any other party; or (3) such specimen of a big five African species is distributed directly to a legal beneficiary of a trust or to a legal heir provided: (A) Such specimen was located or possessed by the decedent prior to the effective date of this section, (B) such beneficiary or heir does not subsequently sell, offer for sale, trade, barter or distribute such specimen to any other person, and (C) such beneficiary or heir obtains a certificate of possession from the Commissioner of Energy and Environmental Protection not later than one hundred eighty days after receipt of such specimen.

(e) Any specimen of a big five African species and any other property or item used in connection with a violation of the provisions of this section shall be seized and held pending any criminal proceeding pursuant to this section.

(f) Any person who violates the provisions of this section shall be guilty of a felony and fined not more than ten thousand dollars and imprisoned not more than two years, or both.

(g) Upon conviction of a person for violation of the provisions of this section or upon the entry of a judgment restraining a defendant from importing, possessing, selling, offering for sale or transporting any specimen of a big five African species on the grounds that such activity is or would be a violation of the provisions of this section, any specimen of a big five African species and any other property or item that is seized and held pursuant to this section shall be forfeited and, upon such forfeiture, destroyed.

(h) Nothing in this section shall be construed to apply to the importing, possessing, selling, offering for sale or transporting of ivory in this state.

(i) Nothing in this section shall be construed to apply to the importing, transporting or possessing of a live big five African species by any zoological institution or circus.

Sec. 2. Subsection (d) of section 26-311 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Nothing in [section 1 of this act or](#) sections 26-303 to 26-312, inclusive, or any regulations adopted pursuant to said sections shall prohibit transportation through this state of any endangered or threatened species in accordance with the terms of any permit issued under the laws of another state provided the person in possession of an endangered or threatened species can prove legal possession of the species.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	26-311(d)

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Correction, Dept.; Judicial Dpt (Probation)	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill creates a new unclassified felony for possession, sale, or transport of certain species of animals. To the extent that offenders are prosecuted for new offenses under this bill, potential costs for incarceration or probation supervision in the community, or judicial revenue would result. On average, it costs the state \$7,260 (including benefits) to supervise an inmate in the community as opposed to \$61,320 (including benefits) to incarcerate an offender.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis

sSB 227

AN ACT CONCERNING CECIL'S LAW.

SUMMARY:

This bill generally bans importing, possessing, selling or offering for sale, or transporting in Connecticut a specimen (dead or alive) from five types of African animals, which the bill

collectively refers to as the “big five African species.” It applies to certain elephants, lions, leopards, and two rhinoceros species.

The bill makes violating the ban a felony, subjecting a violator to a fine of up to \$10,000, up to two years in prison, or both. It allows for seizure of and holding any specimen and any property or item used in connection with the violation. And if there is a conviction or a judgment restraining a person from violating the ban, the bill requires that the specimen, property, or item be forfeited and destroyed.

The bill contains several exemptions, including for a specimen already in the state or that is distributed to a beneficiary or heir as long as the owner or distributee obtains a certificate of possession from the Department of Energy and Environmental Protection (DEEP). It also exempts certain museums and allows for zoological institutions and circuses to import, possess, or transport live animals covered by the bill. The bill does not apply to ivory (see BACKGROUND).

Lastly, the bill specifies that its ban does not prohibit transporting through the state endangered or threatened species subject to the terms of another state's permit, which existing law allows.

EFFECTIVE DATE: Upon passage

SCOPE OF BAN

Species Covered

The ban applies to any specimen from the following five species:

1. African elephant (*loxodonta Africana*),
2. African lion (*panthera leo*),
3. African leopard (*panthera pardus pardus*),
4. black rhinoceros (*diceros bicornis*), and
5. white rhinoceros (*ceratotherium simum cottoni*).

A specimen includes a part, product, or offspring of the species, whether dead or alive, including part of a manufactured or food product. It excludes fossils.

Exemptions

The bill exempts, so long as federal law does not prohibit it, a specimen that is:

1. located or possessed in Connecticut before the bill is signed into law and its legal owner has a certificate of possession from DEEP;
2. part of a museum collection of an institution with a federal educational or scientific tax

exemption, as long as it is not subsequently sold or offered for sale, traded, bartered, distributed to another party;

3. distributed directly to a legal beneficiary of a trust or to a legal heir; or

4. alive and being imported, transported, or possessed by a zoological institution or circus

For a transfer to a legal beneficiary or heir to be exempt, the specimen must be located or possessed by the decedent prior to when the bill is signed into law and the beneficiary or heir must obtain a certificate of possession from DEEP within 180 days after receiving the specimen. He or she must not subsequently sell or offer the specimen for sale, or trade, barter, or distribute it to someone else.

ENFORCEMENT

The bill allows any law enforcement officer to enforce the bill's provisions, including executing warrants to search for and seize a banned specimen. It requires (1) seizing the specimen and any other property or item used in connection with violating the ban and (2) holding the specimen, property, or item pending any criminal proceeding.

Under the bill, if there is a conviction or an entry of judgment restraining a defendant from violating the ban, any specimen, property, or other item seized and held related to the violation must be forfeited and destroyed.

BACKGROUND

Related International and Federal Law

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international treaty under which governments agree to restrict international trade in certain plants and animals and products derived from them.

CITES provides a framework for countries to follow when adopting legislation to implement the treaty. Trade in protected species must be licensed and there are different levels of protection based on a species' endangered status. Currently, 181 countries, including the United States, are parties to the treaty.

The United States regulates the trade of the species covered by the bill through CITES and laws such as the Endangered Species Act (16 U.S.C. § 1531 et seq.). Specifically, the species requires permits at minimum. The U.S. Fish and Wildlife Service is currently engaged in efforts to amend its regulations to increase commercial trade restrictions on elephant ivory.

Related Bill

sHB 5578, reported favorably by the Environment Committee, generally prohibits purchasing, selling, or offering for sale, or possessing with intent to sell ivory, rhinoceros horn, or products containing them. It exempts certain musical instruments and antiques, transfers to certain beneficiaries or institutions, and activity allowed by federal law or part of law enforcement.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 22 Nay 7 (03/16/2016)

[TOP](#)