

# Senate File 564 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 511)  
(SUCCESSOR TO SF 135)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act regulating dangerous wild animals, including their  
2 ownership and possession, requiring registration, providing  
3 for fees and appropriations, and providing penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1622SZ 82  
6 da/je/5

PAG LIN

1 1 Section 1. NEW SECTION. 717F.1 DEFINITIONS.  
1 2 As used in this chapter, unless the context otherwise  
1 3 requires:  
1 4 1. "Agricultural animal" means the same as defined in  
1 5 section 717A.1.  
1 6 2. "Assistive animal" means the same as defined in section  
1 7 216C.11.  
1 8 3. a. "Circus" means a person who is all of the  
1 9 following:  
1 10 (1) The holder of a class "C" license issued by the United  
1 11 States department of agriculture as provided in 9 C.F.R., pt.  
1 12 2, subpt. A.  
1 13 (2) Is temporarily in this state as an exhibitor as  
1 14 defined in 9 C.F.R., pt. 1, for purposes of providing skilled  
1 15 performances by dangerous wild animals, clowns, or acrobats  
1 16 for public entertainment.  
1 17 b. "Circus" does not include a person, regardless of  
1 18 whether the person is a holder of a class "C" license as  
1 19 provided in paragraph "a", who does any of the following:  
1 20 (1) Keeps a dangerous wild animal which is a member of the  
1 21 order carnivora within the family felidae or the family  
1 22 ursidae, as described in this section.  
1 23 (2) Uses the dangerous wild animal for any of the  
1 24 following purposes:  
1 25 (a) A presentation to children at a public or nonpublic  
1 26 school as defined in section 280.2.  
1 27 (b) Entertainment that involves an activity in which a  
1 28 member of the public is in close proximity to the dangerous  
1 29 wild animal, including but not limited to a contest or a  
1 30 photographic opportunity.  
1 31 4. "Custody" means to possess, control, keep, or harbor a  
1 32 dangerous wild animal in this state by a public agency.  
1 33 5. a. "Dangerous wild animal" means any of the following:  
1 34 (1) A member of the family canidae of the order carnivora,  
1 35 including but not limited to wolves, coyotes, and jackals.  
2 1 However, a dangerous wild animal does not include a domestic  
2 2 dog.  
2 3 (2) A member of the family hyaenidae of the order of  
2 4 carnivora, including but not limited to hyenas.  
2 5 (3) A member of the family felidae of the order carnivora,  
2 6 including but not limited to lions, tigers, cougars, leopards,  
2 7 cheetahs, ocelots, and servals. However, a dangerous wild  
2 8 animal does not include a domestic cat.  
2 9 (4) A member of the family ursidae of the order carnivora,  
2 10 including bears and pandas.  
2 11 (5) A member of the family rhinocero tidae order  
2 12 perissodactyla, which is a rhinoceros.  
2 13 (6) A member of the order proboscidea, which are any  
2 14 species of elephant.  
2 15 (7) A member of the order of primates other than humans,  
2 16 and including the following families: callitrichiadae,

2 17 cebidae, cercopithecidae, cheirogaleidae, daubentoniidae,  
2 18 galagonidae, hominidae, hylobatidae, indridae, lemuridae,  
2 19 loridae, megaladapidae, or tarsiidae. A member includes but  
2 20 is not limited to marmosets, tamarins, monkeys, lemurs,  
2 21 galagos, bushbabies, great apes, gibbons, lesser apes, indris,  
2 22 sifakas, and tarsiers.

2 23 (8) A member of the order crocodilia, including but not  
2 24 limited to alligators, caimans, crocodiles, and gharials.

2 25 (9) A member of the family varanidae of the order  
2 26 squamata, which are limited to water monitors and crocodile  
2 27 monitors.

2 28 (10) A member of the order squamata which is any of the  
2 29 following:

2 30 (a) A member of the family varanidae, which are limited to  
2 31 water monitors and crocodile monitors.

2 32 (b) A member of the family atractaspidae, including but  
2 33 not limited to mole vipers and burrowing asps.

2 34 (c) A member of the family helodermatidae, including but  
2 35 not limited to beaded lizards and gila monsters.

3 1 (d) A member of the family elapidae, voperidae,  
3 2 crotalidae, atractaspidae, or hydrophidae which are venomous,  
3 3 including but not limited to cobras, mambas, coral snakes,  
3 4 kraits, adders, vipers, rattlesnakes, copperheads, pit vipers,  
3 5 keelbacks, cottonmouths, and sea snakes.

3 6 (e) A member of the superfamily henophidia, which are  
3 7 limited to reticulated pythons, anacondas, and African rock  
3 8 pythons.

3 9 b. "Dangerous wild animal" includes an animal which is the  
3 10 offspring of an animal provided in paragraph "a", and another  
3 11 animal provided in that paragraph or any other animal. It  
3 12 also includes animals which are the offspring of each  
3 13 subsequent generation. However, a dangerous wild animal does  
3 14 not include the offspring of a domestic dog and a wolf, or the  
3 15 offspring from each subsequent generation in which at least  
3 16 one parent is a domestic dog.

3 17 6. "Department" means the department of agriculture and  
3 18 land stewardship.

3 19 7. "Electronic identification device" means a device which  
3 20 when installed is designed to store information regarding an  
3 21 animal or the animal's owner in a digital format which may be  
3 22 accessed by a computer for purposes of reading or manipulating  
3 23 the information.

3 24 8. "Possess" means to own, keep, or control a dangerous  
3 25 wild animal, or supervise or provide for the care and feeding  
3 26 of a dangerous wild animal, including any activity relating to  
3 27 confining, handling, breeding, transporting, or exhibiting the  
3 28 dangerous wild animal.

3 29 9. "Public agency" means the same as defined in section  
3 30 28E.2.

3 31 10. "Wildlife sanctuary" means an organization exempt from  
3 32 taxation pursuant to section 501(c) of the Internal Revenue  
3 33 Code that operates a place of refuge where abused, neglected,  
3 34 unwanted, impounded, abandoned, orphaned, or displaced  
3 35 wildlife are provided care for their lifetime, if all of the  
4 1 following apply:

4 2 a. The organization does not buy, sell, trade, auction,  
4 3 lease, loan, or breed any animal of which the organization is  
4 4 an owner.

4 5 b. The organization is accredited by the American  
4 6 sanctuary association, the association of sanctuaries, or  
4 7 another similar organization recognized by the department.

4 8 Sec. 2. NEW SECTION. 717F.2 RULEMAKING == CHAPTER 28E  
4 9 AGREEMENTS == ASSISTANCE OF ANIMAL WARDEN.

4 10 1. The department shall administer this chapter by doing  
4 11 all of the following:

4 12 a. Adopting rules as provided in chapter 17A for the  
4 13 administration and enforcement of this chapter.

4 14 b. Entering into agreements with public agencies pursuant  
4 15 to chapter 28E as the department determines necessary for the  
4 16 administration and enforcement of this chapter.

4 17 2. An animal warden as defined in section 162.2 shall  
4 18 assist the department in seizing and maintaining custody of  
4 19 dangerous wild animals.

4 20 Sec. 3. NEW SECTION. 717F.3 DANGEROUS WILD ANIMALS ==  
4 21 PROHIBITIONS.

4 22 Except as otherwise provided in this chapter, a person  
4 23 shall not do any of the following:

4 24 1. Own or possess a dangerous wild animal.

4 25 2. Cause or allow a dangerous wild animal owned by a  
4 26 person or in the person's possession to breed.

4 27 3. Transport a dangerous wild animal into this state.

4 28 Sec. 4. NEW SECTION. 717F.4 OWNING OR POSSESSING  
4 29 DANGEROUS WILD ANIMALS ON THE EFFECTIVE DATE OF THIS ACT.  
4 30 A person who owns or possesses a dangerous wild animal on  
4 31 the effective date of this Act may continue to own or possess  
4 32 the dangerous wild animal subject to all of the following:  
4 33 1. The person must be eighteen years old or older.  
4 34 2. a. The person must not have been convicted of an  
4 35 offense involving the abuse or neglect of an animal pursuant  
5 1 to a law of this state or another state, including but not  
5 2 limited to chapter 717, 717B, 717C, or 717D or an ordinance  
5 3 adopted by a city or county.  
5 4 b. The department, another state, or the federal  
5 5 government must not have suspended an application for a permit  
5 6 or license or revoked a permit or license required to operate  
5 7 a commercial establishment for the care, breeding, or sale of  
5 8 animals, including as provided in chapter 162.  
5 9 c. The person must not have been convicted of a felony for  
5 10 an offense committed within the last ten years, as provided by  
5 11 this Code, under the laws of another state, or under federal  
5 12 law.  
5 13 d. The person must not have been convicted of a  
5 14 misdemeanor or felony for an offense committed within the last  
5 15 ten years involving a controlled substance as defined in  
5 16 section 124.101 in this state, under the laws of another  
5 17 state, or under federal law.  
5 18 3. Within sixty days after the effective date of this Act,  
5 19 the person must have an electronic identification device  
5 20 implanted beneath the skin or hide of the dangerous wild  
5 21 animal, unless a licensed veterinarian states in writing that  
5 22 the implantation would endanger the comfort or health of the  
5 23 dangerous wild animal. In such case, an electronic  
5 24 identification device may be otherwise attached to the  
5 25 dangerous wild animal as required by the department.  
5 26 4. Not later than December 31, 2007, the person must  
5 27 notify the department using a registration form prepared by  
5 28 the department. The registration form shall include all of  
5 29 the following information:  
5 30 a. The person's name, address, and telephone number.  
5 31 b. A sworn affidavit that the person meets the  
5 32 requirements necessary to own or possess a dangerous wild  
5 33 animal as provided in this section.  
5 34 c. A complete inventory of each dangerous wild animal  
5 35 which the person owns or possesses. The inventory shall  
6 1 include all of the following information:  
6 2 (1) The number of the dangerous wild animals according to  
6 3 species.  
6 4 (2) The manufacturer and manufacturer's number of the  
6 5 electronic device implanted in or attached to each dangerous  
6 6 wild animal.  
6 7 (3) The location where each dangerous wild animal is kept.  
6 8 The person must notify the department in writing within ten  
6 9 days of a change of address or location where the dangerous  
6 10 wild animal is kept.  
6 11 (4) The approximate age, sex, color, weight, scars, and  
6 12 any distinguishing marks of each dangerous wild animal.  
6 13 (5) The name, business mailing address, and business  
6 14 telephone number of the licensed veterinarian who is  
6 15 responsible for providing care to the dangerous wild animal.  
6 16 The information shall include a statement signed by the  
6 17 licensed veterinarian certifying that the dangerous wild  
6 18 animal is in good health.  
6 19 (6) A color photograph of the dangerous wild animal.  
6 20 (7) A copy of a current liability insurance policy as  
6 21 required in this section. The person shall send a copy of the  
6 22 current liability policy to the department each year.  
6 23 5. The person must pay the department a registration fee  
6 24 as provided in section 717F.8.  
6 25 6. The person must maintain health and ownership records  
6 26 for the dangerous wild animal for the life of the dangerous  
6 27 wild animal.  
6 28 7. The person must confine the dangerous wild animal in a  
6 29 primary enclosure as required by the department on the  
6 30 person's premises. The person must not allow the dangerous  
6 31 wild animal outside of the primary enclosure unless the  
6 32 dangerous wild animal is moved pursuant to any of the  
6 33 following:  
6 34 a. To receive veterinary care from a licensed  
6 35 veterinarian.  
7 1 b. To comply with the directions of the department or an  
7 2 animal warden.  
7 3 c. To transfer ownership and possession of the dangerous

7 4 wild animal to a wildlife sanctuary or provide for its  
7 5 destruction by euthanasia as required by the department.

7 6 8. The person must display at least one sign on the  
7 7 person's premises where the dangerous wild animal is kept  
7 8 warning the public that the dangerous wild animal is confined  
7 9 there. The sign must include a symbol warning children of the  
7 10 presence of the dangerous wild animal.

7 11 9. The person must immediately notify an animal warden or  
7 12 other local law enforcement official of any escape of a  
7 13 dangerous wild animal.

7 14 10. The person must maintain liability insurance coverage  
7 15 in an amount of not less than one hundred thousand dollars  
7 16 with a deductible of not more than two hundred fifty dollars,  
7 17 for each occurrence of property damage, bodily injury, or  
7 18 death caused by each dangerous wild animal kept by the person.

7 19 11. The person who owns or possesses the dangerous wild  
7 20 animal is strictly liable for any damages, injury, or death  
7 21 caused by the dangerous wild animal. The person must  
7 22 reimburse the department or other public agency for actual  
7 23 expenses incurred by capturing and maintaining custody of the  
7 24 dangerous wild animal.

7 25 12. If the person is no longer able to care for the  
7 26 dangerous wild animal, all of the following apply:

7 27 a. The person must so notify the department, stating the  
7 28 planned disposition of the dangerous wild animal.

7 29 b. The person must dispose of the dangerous wild animal by  
7 30 transferring ownership and possession to a wildlife sanctuary  
7 31 or providing for its destruction by euthanasia as required by  
7 32 the department.

7 33 Sec. 5. NEW SECTION. 717F.5 SEIZURE, CUSTODY, AND  
7 34 DISPOSAL OF DANGEROUS WILD ANIMALS.

7 35 1. a. Except as provided in paragraph "b", the department  
8 1 shall seize a dangerous wild animal which is in the possession  
8 2 of a person if the person is not in compliance with the  
8 3 requirements of this chapter.

8 4 b. Upon request, the department may provide that the  
8 5 person retain possession of the dangerous wild animal for not  
8 6 more than fourteen days, upon conditions required by the  
8 7 department. During that period, the person shall take all  
8 8 necessary actions to comply with this chapter. The department  
8 9 shall inspect the premises where the dangerous wild animal is  
8 10 kept during reasonable times to ensure that the person is  
8 11 complying with the conditions.

8 12 2. If the person fails to comply with the conditions of  
8 13 the department at any time or is not in compliance with this  
8 14 chapter following the ten-day period, the department shall  
8 15 seize the dangerous wild animal.

8 16 a. The dangerous wild animal shall be considered to be a  
8 17 threatened animal which has been rescued as provided in  
8 18 chapter 717B. The court may authorize the return of the  
8 19 dangerous wild animal to the person from whom the dangerous  
8 20 wild animal was seized if the court finds all of the  
8 21 following:

8 22 (1) The person is capable of providing the care required  
8 23 for the dangerous wild animal.

8 24 (2) There is a substantial likelihood that the person will  
8 25 provide the care required for the dangerous wild animal.

8 26 (3) The dangerous wild animal has not been abused,  
8 27 neglected, or tortured, as provided in chapter 717B.

8 28 b. If the court orders a permanent disposition of the  
8 29 dangerous wild animal, the dangerous wild animal shall be  
8 30 subject to disposition as provided in section 717B.4 and the  
8 31 responsible party shall be assessed costs associated with its  
8 32 seizure, custody, and disposition as provided in that section.  
8 33 The department may find long-term placement for the dangerous  
8 34 wild animal with a wildlife sanctuary or institution  
8 35 accredited by the American zoo and aquarium association.

9 1 Sec. 6. NEW SECTION. 717F.6 CAUSE OF THE ESCAPE OF A  
9 2 DANGEROUS WILD ANIMAL == PROHIBITION.

9 3 A person shall not intentionally cause a dangerous wild  
9 4 animal to escape from its place of confinement, including as  
9 5 provided in section 717F.4.

9 6 Sec. 7. NEW SECTION. 717F.7 EXEMPTIONS.

9 7 This chapter does not apply to any of the following:

9 8 1. An institution accredited by the American zoo and  
9 9 aquarium association.

9 10 2. A wildlife sanctuary.

9 11 3. A person who has been issued a falconry license by the  
9 12 department pursuant to section 483A.1.

9 13 4. A person who owns or possesses a dangerous wild animal  
9 14 as an agricultural animal. The person shall not transfer the

9 15 dangerous wild animal to another person, unless the person  
9 16 transferred the dangerous wild animal will own or possess it  
9 17 as an agricultural animal or the person is a wildlife  
9 18 sanctuary.

9 19 5. A person who owns or possesses a dangerous wild animal  
9 20 as an assistive animal. The person shall not transfer the  
9 21 dangerous wild animal to another person, unless the person  
9 22 transferred the dangerous wild animal will own or possess it  
9 23 as an assistive animal or the person is a wildlife sanctuary.

9 24 6. A person who harvests the dangerous wild animal as a  
9 25 hunter or trapper pursuant to state law and as regulated by  
9 26 the department of natural resources.

9 27 7. A person who has been issued a wildlife rehabilitation  
9 28 permit by the department pursuant to section 481A.65.

9 29 8. A circus that obtains a permit from a city in which it  
9 30 will be temporarily operating, if the city issues permits.

9 31 9. A city.

9 32 10. A nonprofit corporation governed under chapter 504  
9 33 that is an organization described in section 501(c)(3) of the  
9 34 Internal Revenue Code and that is exempt from taxation under  
9 35 section 501(a) of the Internal Revenue Code if the nonprofit  
10 1 corporation was a party to a contract executed with a city  
10 2 prior to the effective date of this Act to provide for the  
10 3 exhibition of dangerous wild animals at a municipal zoo.

10 4 11. The state fair as provided in chapter 173 or any fair  
10 5 as provided in chapter 174.

10 6 12. A licensed or accredited facility where a dangerous  
10 7 wild animal is kept for educational, medical, or scientific  
10 8 purposes, including an institution as defined in section  
10 9 145B.1 or a research facility as defined in section 162.2.

10 10 13. A location operated by a person licensed to practice  
10 11 veterinary medicine pursuant to chapter 169.

10 12 14. A pound as defined in section 162.2.

10 13 15. An animal shelter as defined in section 162.2.

10 14 16. A county conservation board as provided in chapter  
10 15 350.

10 16 17. An employee of the department responsible for the  
10 17 administration of this chapter, an animal warden as defined in  
10 18 section 162.2, or an animal care provider or law enforcement  
10 19 officer as defined in section 717B.1.

10 20 18. A person temporarily transporting a dangerous wild  
10 21 animal through this state if the transit time is not more than  
10 22 ninety-six hours and the dangerous wild animal is maintained  
10 23 within a confined area sufficient to prevent its escape or  
10 24 injuring members of the traveling public.

10 25 19. A public agency which maintains permanent custody of a  
10 26 dangerous wild animal, if the person to whom the public agency  
10 27 assigns the duty to manage the custody of the dangerous wild  
10 28 animal complies with the provisions of section 717F.4.

10 29 Sec. 8. NEW SECTION. 717F.8 DANGEROUS WILD ANIMAL  
10 30 REGISTRATION FEES.

10 31 The department may charge a registration fee for each  
10 32 dangerous wild animal owned or possessed by a person required  
10 33 to be registered pursuant to section 717F.4.

10 34 1. The department shall collect an annual registration fee  
10 35 which is an original registration fee or a renewal of an  
11 1 original registration fee. The amount of the renewal  
11 2 registration fee is one-half of the amount of the original  
11 3 registration fee. Moneys collected in registration fees shall  
11 4 be deposited in the dangerous wild animal registration fund  
11 5 created in section 717F.9.

11 6 2. The amount of the original registration fees shall be  
11 7 as follows:

11 8 a. Five hundred dollars for a member of the order  
11 9 proboscidea, which are any species of elephant.

11 10 b. Five hundred dollars for a member of the family  
11 11 rhinocero tidae order perissodactyla, which is a rhinoceros.

11 12 c. Three hundred dollars for a member of the family  
11 13 ursidae of the order carnivora, which is limited to bears.

11 14 d. For a member of the family felidae of the order  
11 15 carnivora, all of the following:

11 16 (1) Three hundred dollars for a member of the subfamily  
11 17 pantherinae, limited to leopards other than snow leopards,  
11 18 lions, and tigers; and for a member of the subfamily felinae  
11 19 limited to pumas, jaguars, and cougars.

11 20 (2) Two hundred dollars for a member of the subfamily  
11 21 felinae limited to bobcats, clouded leopards, cheetahs, and  
11 22 lynx.

11 23 (3) One hundred dollars for a member of the subfamily  
11 24 felinae limited to caracals, desert cats, Geoffroy's cats,  
11 25 jungle cats, margays, ocelots, servals, and wild cats.

11 26 e. For a member of the order of primates other than  
11 27 humans, all of the following:  
11 28 (1) Three hundred dollars for a member commonly referred  
11 29 to as an ape, belonging to the hylobatidae family such as  
11 30 gibbons and siamangs, or to the pongidae family including  
11 31 gorillas, orangutans, or chimpanzees.  
11 32 (2) One hundred fifty dollars for a member commonly  
11 33 referred to as an old world monkey, belonging to the family  
11 34 cercopithecidae, including but not limited to macaques,  
11 35 rhesus, mangabeys, mandrills, guenons, patas monkeys, langurs,  
12 1 and proboscis monkeys.  
12 2 (3) Fifty dollars for a member commonly referred to as a  
12 3 new world monkey belonging to the family cebidae, including  
12 4 but not limited to cebids, including capuchin monkeys,  
12 5 howlers, woolly monkeys, squirrel monkeys, night monkeys,  
12 6 titis, uakaris, or to the family callitrichidae, including but  
12 7 not limited to marmosets and tamarins.  
12 8 f. One hundred dollars for a member of the order  
12 9 crocodilia, including but not limited to alligators, caimans,  
12 10 crocodiles, and gharials.  
12 11 g. Fifty dollars for a member of the family varanidae of  
12 12 the order squamata, which are limited to water monitors and  
12 13 crocodile monitors.  
12 14 h. Fifty dollars for a member of the family atractaspidae,  
12 15 including but not limited to mole vipers and burrowing asps.  
12 16 i. Fifty dollars for a member of the family  
12 17 helodermatidae, including but not limited to beaded lizards  
12 18 and gila monsters.  
12 19 j. Fifty dollars for a member of the family elapidae,  
12 20 voperidae, crotalidae, atractaspidae, or hydrophidae which are  
12 21 venomous, including but not limited to cobras, mambas, coral  
12 22 snakes, kraits, adders, vipers, rattlesnakes, copperheads, pit  
12 23 vipers, keelbacks, cottonmouths, and sea snakes.  
12 24 k. One hundred dollars for a member of the superfamily  
12 25 henophidia, which are limited to reticulated pythons,  
12 26 anacondas, and African rock pythons.

12 27 Sec. 9. NEW SECTION. 717F.9 DANGEROUS WILD ANIMAL  
12 28 REGISTRATION FUND.

12 29 1. A dangerous wild animal registration fund is created in  
12 30 the state treasury under the control of the department. The  
12 31 fund is composed of moneys appropriated by the general  
12 32 assembly and moneys available to and obtained or accepted by  
12 33 the department from the United States or private sources for  
12 34 placement in the fund. The fund shall include moneys  
12 35 deposited into the fund from registration fees collected by  
13 1 the department pursuant to section 717F.8.

13 2 2. Moneys in the dangerous wild animal registration fund  
13 3 are appropriated to the department exclusively to administer  
13 4 and enforce the provisions of this chapter. The moneys shall  
13 5 not be transferred, used, obligated, appropriated, or  
13 6 otherwise encumbered except as provided in this subsection.

13 7 3. Section 8.33 shall not apply to moneys in the dangerous  
13 8 wild animal registration fund. Notwithstanding section 12C.7,  
13 9 moneys earned as income or interest from the fund shall remain  
13 10 in the fund until expended as provided in this section.

13 11 Sec. 10. NEW SECTION. 717F.10 ENFORCEMENT.

13 12 The department is the principal agency charged with  
13 13 enforcing the provisions of this chapter. An animal warden as  
13 14 defined in section 162.2, or an animal care provider or law  
13 15 enforcement officer as defined in section 717B.1, shall  
13 16 enforce this chapter as directed by the department.

13 17 Sec. 11. NEW SECTION. 717F.11 CIVIL PENALTY.

13 18 A person owning or possessing a dangerous wild animal who  
13 19 violates a provision of this chapter is subject to a civil  
13 20 penalty of not less than two hundred dollars and not more than  
13 21 two thousand dollars for each dangerous wild animal involved  
13 22 in the violation. Each day that a violation continues shall  
13 23 be considered as a separate offense. The civil penalties  
13 24 shall be deposited into the general fund of the state.

13 25 Sec. 12. NEW SECTION. 717F.12 INJUNCTIVE RELIEF.

13 26 The courts of this state may prevent and restrain  
13 27 violations of this chapter through the issuance of an  
13 28 injunction. The attorney general or a county attorney shall  
13 29 institute suits on behalf of the state to prevent and restrain  
13 30 violations of this chapter.

13 31 Sec. 13. NEW SECTION. 717F.13 CRIMINAL PENALTIES.

13 32 A person who intentionally causes a dangerous wild animal  
13 33 to escape in violation of this chapter is guilty of an  
13 34 aggravated misdemeanor.

13 35 EXPLANATION

14 1 This bill creates new Code chapter 717F, which regulates

14 2 the possession of dangerous wild animals which are defined to  
14 3 include wolves, coyotes, jackals, hyenas, lions, tigers,  
14 4 cougars, leopards, cheetahs, ocelots, servals, bears, pandas,  
14 5 rhinoceroses, elephants, primates other than humans,  
14 6 alligators, crocodiles, water monitors, venomous snakes, and  
14 7 certain constrictors (pythons and anacondas).

14 8 The department of agriculture and land stewardship is  
14 9 charged to administer the bill's provisions, although the  
14 10 department may execute Code chapter 28E agreements with other  
14 11 government entities. The bill prohibits a person from owning  
14 12 or possessing a dangerous wild animal, with certain  
14 13 exceptions. It prohibits a person from breeding or  
14 14 transporting a dangerous wild animal into this state.

14 15 The bill specifically allows a person to possess a  
14 16 dangerous wild animal if the person has possession of the  
14 17 dangerous wild animal on the effective date of the bill, but  
14 18 subject to certain conditions. The person cannot have been  
14 19 convicted of an offense relating to animal welfare and cannot  
14 20 have recently been convicted of an offense relating to a  
14 21 controlled substance or a felony. The person must attach or  
14 22 install an electronic identification device to the dangerous  
14 23 wild animal or beneath its skin or hide. The person must also  
14 24 register the dangerous wild animal with the department. The  
14 25 bill requires the person to pay a registration fee which is  
14 26 deposited into a special fund controlled by the department.  
14 27 The bill also provides that the person must confine the  
14 28 dangerous wild animal according to a number of specifications  
14 29 designed to secure it from the public. The person must  
14 30 maintain liability insurance. The person is strictly liable  
14 31 for damages or injuries resulting from the actions of the  
14 32 dangerous wild animal.

14 33 The bill provides for the seizure, custody, and disposal of  
14 34 dangerous wild animals which are kept in violation of the  
14 35 bill's provisions. The department may allow the person in  
15 1 possession of the dangerous wild animal to correct the  
15 2 violation and keep the animal for 10 days but subject to  
15 3 conditions established by the department. If the person fails  
15 4 to comply with those conditions at any time or is not in  
15 5 compliance with the bill's provisions following the 10-day  
15 6 period, the department is required to seize the dangerous wild  
15 7 animal. The dangerous wild animal is considered a threatened  
15 8 animal in the same manner as provided in Code chapter 717B,  
15 9 which authorizes the rescue of animals other than livestock.  
15 10 It provides for notifying the owner of the dangerous wild  
15 11 animal of the seizure, provides for a court hearing to  
15 12 determine disposition, and requires that persons responsible  
15 13 for the dangerous wild animal pay costs associated with its  
15 14 custody and disposition. The bill provides that a court may  
15 15 order the return of the dangerous wild animal if it determines  
15 16 that the person is capable of providing for its care.

15 17 The bill exempts a number of persons and locations from the  
15 18 requirements of the bill, including an accredited zoo,  
15 19 sanctuary, circus, fair, research facility, licensed  
15 20 veterinarian, pound, animal shelter, a person keeping the  
15 21 dangerous wild animal as an agricultural animal or as an  
15 22 assistive animal, a person who hunts or traps a dangerous wild  
15 23 animal, or a person transporting the dangerous wild animal  
15 24 through the state.

15 25 The bill provides for the assessment of fees by persons  
15 26 required to be registered by the department. The department  
15 27 must assess different fees depending upon the type of  
15 28 dangerous wild animal being kept, ranging from \$500 for  
15 29 elephants to \$50 for small poisonous snakes.

15 30 A person who violates the bill's provisions is subject to a  
15 31 civil penalty of not more than \$2,000 for each offense.

15 32 LSB 1622SZ 82

15 33 da:rj/je/5