

Senate File 236 - Introduced

SENATE FILE 236

BY McCOY

A BILL FOR

1 An Act providing for zoos keeping dangerous wild animals,
2 making penalties applicable, and including applicability and
3 effective date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 717F.1, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 12. "Zoo" means a park, building,
4 cage, enclosure, or other structure or premise in which a
5 dangerous wild animal is kept for public exhibition or viewing,
6 regardless of whether a person who owns or possesses the
7 dangerous wild animal receives compensation.

8 Sec. 2. Section 717F.7, subsection 20, Code 2013, is amended
9 to read as follows:

10 20. A person who keeps a dangerous wild animal pursuant to
11 all of the following conditions:

12 a. The person is licensed by the United States department of
13 agriculture as provided in 9 C.F.R. ch. I.

14 b. The person is registered by the department of agriculture
15 and land stewardship. Upon a complaint filed with the
16 department of agriculture and land stewardship, the department
17 ~~may~~ shall inspect the premises or investigate the practices of
18 the registered person and suspend or revoke the registration
19 for the same causes and in the same manner as provided in
20 section 162.12.

21 c. The location where the person keeps the dangerous
22 wild animal is not a zoo, unless the location is part of an
23 institution accredited or certified by the American zoo and
24 aquarium association.

25 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
26 immediate importance, takes effect upon enactment.

27 Sec. 4. APPLICABILITY.

28 1. This section applies to a person who owns or possesses a
29 dangerous wild animal immediately prior to the effective date
30 of this Act as provided in section 717F.7, subsection 20, but
31 who is prohibited from owning or possessing a dangerous wild
32 animal on and after the effective date of this Act.

33 2. The person described in subsection 1 may continue to
34 own or possess the dangerous wild animal as provided in Code
35 chapter 717F in the same manner as a person who complies with

1 the requirements of section 717F.4. However, all of the
2 following apply:

3 a. The person has sixty days after the effective date of
4 this Act to comply with the requirements of section 717F.4,
5 subsection 3.

6 b. The person has until December 31, 2013, to comply with
7 the requirements of section 717F.4, subsection 4.

8 EXPLANATION

9 GENERAL. This bill amends Code chapter 717F, which
10 regulates the ownership or possession of dangerous wild
11 animals, including wolves, coyotes, jackals, hyenas, lions,
12 tigers, cougars, leopards, cheetahs, ocelots, servals, bears,
13 pandas, rhinoceroses, elephants, primates other than humans,
14 alligators, crocodiles, water monitors, venomous snakes,
15 and certain constrictors (pythons and anacondas). The
16 department of agriculture and land stewardship is charged with
17 administering and enforcing the Code chapter's provisions,
18 although the department may execute an agreement with
19 another government entity (Code section 717F.2). A person
20 is prohibited from owning or possessing such an animal or
21 transporting the animal into this state (Code section 717F.3).

22 EXCEPTIONS. There are several exceptions that allow a
23 person to own or possess a dangerous wild animal, including
24 a person who had possession of the animal on July 1, 2007,
25 subject to certain conditions (Code section 717F.4). A person
26 may also keep such an animal if specifically exempt from the
27 Code chapter (Code section 717F.7). One exemption applies to
28 an institution accredited or certified by the American zoo and
29 aquarium association. Another exemption applies to a person
30 who has been issued a license by the United States department
31 of agriculture to keep a dangerous wild animal so long as the
32 person is registered with the department of agriculture and
33 land stewardship and such registration has not been suspended
34 or revoked (Code section 162.12).

35 BILL'S PROVISIONS. The bill requires the department to,

1 upon complaint, conduct an inspection of the premises or
2 investigate the practices of a registrant licensed by the
3 United States department of agriculture. It also provides
4 that if the dangerous wild animal is kept in a zoo, that zoo
5 must also be accredited or certified by the American zoo and
6 aquarium association. Finally, the bill allows a person no
7 longer qualifying for the exemption on the bill's effective
8 date to retain possession of the animal subject to the same
9 restrictions as a person who had possession of such animal on
10 July 1, 2007.

11 APPLICABLE ENFORCEMENT ACTIONS AND PENALTIES. A person
12 who violates a provision of the bill is subject to a number
13 of provisions. The person's dangerous wild animal is subject
14 to seizure, custody, and disposal (Code section 717F.5). The
15 person is subject to a civil penalty of not more than \$2,000
16 for each such animal involved in the violation (Code section
17 717F.11), a court may restrain a violation by issuing an
18 injunction (Code section 717F.12), and the person is guilty of
19 an aggravated misdemeanor if the person intentionally causes an
20 animal to escape. An aggravated misdemeanor is punishable by
21 confinement for no more than two years and a fine of at least
22 \$625 but not more than \$6,250.

23 EFFECTIVE DATE. The bill takes effect upon enactment.