

SENATE FILE **2366**  
BY COMMITTEE ON NATURAL  
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 3244)

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:

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**SENATE FILE 2366**

**S-5101**

1 Amend Senate File 2366 as follows:  
2 1. Page 1, by striking lines 21 through 24, and  
3 inserting the following:  
4 "( ) A presentation to children at a public or  
5 nonpublic school as defined in section 280.2.  
6 ( ) Entertainment that involves an activity in  
7 which a member of the public is in close proximity to  
8 the dangerous".  
9 2. By renumbering, redesignating, and correcting  
10 internal references as necessary.

By DR. JOE SENG

**S-5101** FILED MARCH 20, 2006

SF 2366

1 Section 1. NEW SECTION. 717F.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. a. "Circus" means a person who is all of the  
5 following:

6 (1) The holder of a class "C" license issued by the United  
7 States department of agriculture as provided in 9 C.F.R., pt.  
8 2, subpt. A.

9 (2) Is temporarily in this state as an exhibitor as  
10 defined in 9 C.F.R., pt. 1, for purposes of providing skilled  
11 performances by dangerous wild animals, clowns, or acrobats  
12 for public entertainment.

13 b. "Circus" does not include a person, regardless of  
14 whether the person is a holder of a class "C" license as  
15 provided in paragraph "a", who does any of the following:

16 (1) Keeps a dangerous wild animal which is a member of the  
17 order carnivora within the family felidae or the family  
18 ursidae, as described in this section.

19 (2) Uses the dangerous wild animal for any of the  
20 following purposes:

21 (a) Exhibition.

22 (b) Education.

23 (c) Entertainment that involves an activity in which a  
24 member of the public is in close proximity to the dangerous  
25 wild animal, including but not limited to a contest or a  
26 photographic opportunity.

27 2. "Custody" means to possess, control, keep, or harbor a  
28 dangerous wild animal in this state.

29 3. a. "Dangerous wild animal" means any of the following:

30 (1) A member of the family canidae of the order carnivora,  
31 including but not limited to wolves, coyotes, and jackals.  
32 However, a dangerous wild animal does not include a domestic  
33 dog.

34 (2) A member of the family hyaenidae of the order of  
35 carnivora, including but not limited to hyenas.

1 (3) A member of the family felidae of the order carnivora,  
2 including but not limited to lions, tigers, cougars, leopards,  
3 cheetahs, ocelots, and servals. However, a dangerous wild  
4 animal does not include a domestic cat.

5 (4) A member of the family ursidae of the order carnivora,  
6 including bears and pandas.

7 (5) A member of the order perissodactyla, including but  
8 not limited to rhinoceroses, zebras, and tapirs. However, a  
9 dangerous wild animal does not include a horse, donkey, mule,  
10 or hinney.

11 (6) A member of the order proboscidea, which are any  
12 species of elephant.

13 (7) A member of the order of primates other than humans,  
14 and including the following families: callitrichiadae,  
15 cabidae, cercopithecidae, cheirogaleidae, daubentoniidae,  
16 galagonidae, hominidae, hylobatidae, indridae, lemuridae,  
17 loridae, megaladapidae, or tarsiidae. A member includes but  
18 is not limited to marmosets, tamarins, monkeys, lemurs,  
19 galagos, bushbabies, great apes, gibbons, lesser apes, indris,  
20 sifakas, and tarsiers.

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

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

26 (10) A member of the order squamata which is any of the  
27 following:

28 (a) A member of the family varanidae, which are limited to  
29 water monitors and crocodile monitors.

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

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

34 (d) A member of the family elapidae, voperidae,  
35 crotalidae, atractaspidae, or hydrophidae which are venomous,

1 including but not limited to cobras, mambas, coral snakes,  
2 kraits, adders, vipers, rattlesnakes, copperheads, pit vipers,  
3 keelbacks, cottonmouths, and sea snakes.

4 (e) A member of the superfamily Henophidia, which are  
5 limited to reticulated pythons, anacondas, and African rock  
6 pythons.

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

15 4. "Department" means the department of agriculture and  
16 land stewardship.

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

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

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

33 a. The organization does not buy, sell, trade, auction,  
34 lease, loan, or breed any animal of which the organization is  
35 an owner.

1 b. The organization is accredited by the American  
2 sanctuary association, the association of sanctuaries, or  
3 another similar organization recognized by the department.

4 Sec. 2. NEW SECTION. 717F.2 RULEMAKING -- 28E AGREEMENTS  
5 -- ASSISTANCE OF ANIMAL WARDEN.

6 1. The department shall administer this chapter by doing  
7 all of the following:

8 a. Adopting rules as provided in chapter 17A for the  
9 administration and enforcement of this chapter.

10 b. Entering into agreements pursuant to chapter 28E as the  
11 department determines necessary for the administration and  
12 enforcement of this chapter.

13 2. An animal warden as defined in section 162.2 shall  
14 assist the department in seizing and maintaining custody of  
15 dangerous wild animals.

16 Sec. 3. NEW SECTION. 717F.3 DANGEROUS WILD ANIMALS --  
17 PROHIBITIONS.

18 Except as otherwise provided in this chapter, a person  
19 shall not do any of the following:

20 1. Own or possess a dangerous wild animal.

21 2. Cause or allow a dangerous wild animal owned by a  
22 person or in the person's possession to breed.

23 3. Transport a dangerous wild animal into this state.

24 Sec. 4. NEW SECTION. 717F.4 OWNING OR POSSESSING  
25 DANGEROUS WILD ANIMALS ON THE EFFECTIVE DATE OF THIS ACT --  
26 FEES.

27 A person who owns or possesses a dangerous wild animal on  
28 the effective date of this Act may continue to own or possess  
29 the dangerous wild animal subject to all of the following:

30 1. The person must be eighteen years old or older.

31 2. Within sixty days after the effective date of this Act,  
32 the person must have an electronic identification device  
33 implanted beneath the skin or hide of the dangerous wild  
34 animal, unless a licensed veterinarian states in writing that  
35 the implantation would endanger the comfort or health of the

1 dangerous wild animal. In such case, an electronic  
2 identification device may be otherwise attached to the  
3 dangerous wild animal.

4 3. The person has not been convicted of an offense  
5 involving the abuse or neglect of an animal pursuant to a law  
6 of this state or another state, including but not limited to  
7 chapter 717, 717B, or 717C, or 717D or an ordinance adopted by  
8 a city or county.

9 4. The department of agriculture and land stewardship,  
10 another state, or the federal government has not suspended an  
11 application for a permit or license or revoked a permit or  
12 license required to operate a commercial establishment for the  
13 care, breeding, or sale of animals, including as provided in  
14 chapter 162.

15 5. The person has not been convicted of a felony for an  
16 offense committed within the last ten years, as provided by  
17 this Code, under the laws of another state, or under federal  
18 law.

19 6. The person has not been convicted of a misdemeanor or  
20 felony for an offense committed within the last ten years  
21 involving a controlled substance as defined in section 124.101  
22 in this state, under the laws of another state, or under  
23 federal law.

24 7. Within sixty days after the effective date of this Act,  
25 the person must notify the department using a registration  
26 form prepared by the department. The registration form shall  
27 include all of the following information:

28 a. The person's name, address, and telephone number.

29 b. A sworn affidavit that the person meets the  
30 requirements necessary to own or maintain custody of a  
31 dangerous wild animal as provided in this section.

32 c. A complete inventory of each dangerous wild animal for  
33 which the person owns or maintains custody. The inventory  
34 shall include all of the following information:

35 (1) The number of the dangerous wild animals according to

1 species.

2 (2) The manufacturer and manufacturer's number of the  
3 electronic device implanted in or attached to each dangerous  
4 wild animal.

5 (3) The location where each dangerous wild animal is kept.  
6 The person must notify the department in writing within ten  
7 days of a change of address or location where the dangerous  
8 wild animal is kept.

9 (4) The approximate age, sex, color, weight, scars, and  
10 any distinguishing marks of each dangerous wild animal.

11 (5) The name, business mailing address, and business  
12 telephone number of the licensed veterinarian who is  
13 responsible for providing care to the dangerous wild animal.  
14 The information shall include a statement signed by the  
15 licensed veterinarian certifying that the dangerous wild  
16 animal is in good health.

17 (6) A color photograph of the dangerous wild animal.

18 (7) A copy of a current liability insurance policy as  
19 required in this section. The person shall send a copy of the  
20 current liability policy to the department each year.

21 The department may charge a registration fee for each  
22 dangerous wild animal kept by the person. The amount of the  
23 registration fee shall not exceed five hundred dollars. Fees  
24 collected by the department shall be deposited into the  
25 dangerous wild animal fund created pursuant to section 717F.7.

26 8. The person must maintain health and ownership records  
27 for the dangerous wild animal for the life of the dangerous  
28 wild animal.

29 9. The person must confine the dangerous wild animal in a  
30 primary enclosure as required by the department on the  
31 person's premises. The person must not allow the dangerous  
32 wild animal outside of the primary enclosure unless the  
33 dangerous wild animal is moved pursuant to any of the  
34 following:

35 a. To receive veterinary care from a licensed

1 veterinarian.

2 b. To comply with the directions of the department or an  
3 animal warden.

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

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

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

17 13. The person who owns or maintains custody of the  
18 dangerous wild animal is strictly liable for any damages,  
19 injury, or death caused by the dangerous wild animal.

20 14. If the person is no longer able to care for the  
21 dangerous wild animal, the person shall notify the department  
22 and find long-term placement for the dangerous wild animal  
23 with a wildlife sanctuary.

24 Sec. 5. NEW SECTION. 717F.5 SEIZURE, CUSTODY, AND  
25 DISPOSAL OF DANGEROUS WILD ANIMALS.

26 1. a. Except as provided in paragraph "b", the department  
27 shall seize a dangerous wild animal which is in the possession  
28 of a person if the person is not in compliance with the  
29 requirements of this chapter.

30 b. Upon request, the department may provide that the  
31 person retain possession of the dangerous wild animal for not  
32 more than ten days, upon conditions required by the  
33 department. During that period, the person shall take all  
34 necessary actions to comply with this chapter. The department  
35 shall inspect the premises where the dangerous wild animal is

1 kept during reasonable times to ensure that the person is  
2 complying with the conditions.

3 2. If the person fails to comply with the conditions of  
4 the department at any time or is not in compliance with this  
5 chapter following the ten-day period, the department shall  
6 seize the dangerous wild animal.

7 a. The dangerous wild animal shall be considered to be a  
8 threatened animal which has been rescued as provided in  
9 chapter 717B. The court may authorize the return of the  
10 dangerous wild animal to the person from whom the dangerous  
11 wild animal was seized if the court finds all of the  
12 following:

13 (1) The person is capable of providing the care required  
14 for the dangerous wild animal.

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

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

19 b. If the court orders a permanent disposition of the  
20 dangerous wild animal, the dangerous wild animal shall be  
21 subject to disposition as provided in section 717B.4 and the  
22 responsible party shall be assessed costs associated with its  
23 seizure, custody, and disposition as provided in that section.  
24 The department may find long-term placement for the dangerous  
25 wild animal with a wildlife sanctuary or institution  
26 accredited by the American zoo and aquarium association.

27 Sec. 6. NEW SECTION. 717F.6 EXEMPTIONS.

28 This chapter does not apply to any of the following:

29 1. An institution accredited by the American zoo and  
30 aquarium association.

31 2. A wildlife sanctuary.

32 3. A person who has been issued a falconry license by the  
33 department pursuant to section 483A.1.

34 4. A person who has been issued a wildlife rehabilitation  
35 permit by the department pursuant to section 481A.65.

1 5. A circus that obtains a permit from the municipality in  
2 which it will be temporarily operating.

3 6. The state fair as provided in chapter 173 or any fair  
4 as provided in chapter 174.

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

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

11 9. A pound as defined in section 162.2.

12 10. An animal shelter as defined in section 162.2.

13 11. An employee of the department responsible for the  
14 administration of this chapter, an animal warden as defined in  
15 section 162.2, or an animal care provider or law enforcement  
16 officer as defined in section 717B.1.

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

22 Sec. 7. NEW SECTION. 717F.7 DANGEROUS WILD ANIMAL  
23 REGISTRATION FUND.

24 1. A dangerous wild animal registration fund is created in  
25 the state treasury under the control of the department. The  
26 fund is composed of moneys appropriated by the general  
27 assembly and moneys available to and obtained or accepted by  
28 the department from the United States or private sources for  
29 placement in the fund. The fund shall include moneys  
30 deposited into the fund from registration fees collected by  
31 the department pursuant to section 717F.4.

32 2. Moneys in the dangerous wild animal registration fund  
33 are appropriated to the department exclusively to administer  
34 and enforce the provisions of this chapter. The moneys shall  
35 not be transferred, used, obligated, appropriated, or

1 otherwise encumbered except as provided in this subsection.

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

6 Sec. 8. NEW SECTION. 717F.8 ENFORCEMENT.

7 The department is the principal agency charged with  
8 enforcing the provisions of this chapter. An animal warden as  
9 defined in section 162.2, or an animal care provider or law  
10 enforcement officer as defined in section 717B.1, shall  
11 enforce this chapter as directed by the department.

12 Sec. 9. NEW SECTION. 717F.9 PENALTY.

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

20 Sec. 10. NEW SECTION. 717F.10 INJUNCTIVE RELIEF.

21 The courts of this state may prevent and restrain  
22 violations of this chapter through the issuance of an  
23 injunction. The attorney general or a county attorney shall  
24 institute suits on behalf of the state to prevent and restrain  
25 violations of this chapter.

26 EXPLANATION

27 This bill creates new Code chapter 717F, which regulates  
28 the possession of dangerous wild animals which are defined to  
29 include wolves, coyotes, jackals, hyenas, lions, tigers,  
30 cougars, leopards, cheetahs, ocelots, servals, bears, pandas,  
31 primates other than humans, alligators, crocodiles, water  
32 monitors, and venomous snakes.

33 The department of agriculture and land stewardship is  
34 charged to administer the bill's provisions, although the  
35 department may execute Code chapter 28E agreements with other

1 government entities. The bill prohibits a person from owning  
2 or possessing a dangerous wild animal, with certain  
3 exceptions. It prohibits a person from breeding or  
4 transporting a dangerous wild animal into this state.

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

23 The bill provides for the seizure, custody, and disposal of  
24 dangerous wild animals which are kept in violation of the  
25 bill's provisions. The department may allow the person in  
26 possession of the dangerous wild animal to correct the  
27 violation and keep the animal for 10 days but subject to  
28 conditions established by the department. If the person fails  
29 to comply with those conditions at any time or is not in  
30 compliance with the bill's provisions following the 10-day  
31 period, the department is required to seize the dangerous wild  
32 animal. The dangerous wild animal is considered a threatened  
33 animal in the same manner as provided in Code chapter 717B,  
34 which authorizes the rescue of animals other than livestock.  
35 It provides for notifying the owner of the dangerous wild

1 animal of the seizure, provides for a court hearing to  
2 determine disposition, and requires that persons responsible  
3 for the dangerous wild animal pay costs associated with its  
4 custody and disposition. The bill provides that a court may  
5 order the return of the dangerous wild animal if it determines  
6 that the person is capable of providing for its care.

7 The bill exempts a number of persons and locations from the  
8 requirements of the bill, including an accredited zoo,  
9 sanctuary, circus, fair, research facility, licensed  
10 veterinarian, pound, animal shelter, or a person transporting  
11 the dangerous wild animal through the state.

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

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SENATE FILE 2366

S-5113

1 Amend Senate File 2366 as follows:  
2 1. Page 1, line 28, by inserting after the word  
3 "state" the following: "by a public agency".  
4 2. Page 3, by inserting after line 26 the  
5 following:  
6 "\_\_\_\_\_. "Public agency" means the same as defined in  
7 section 28E.2."  
8 3. Page 4, line 10, by inserting after the word  
9 "agreements" the following: "with public agencies".  
10 4. By striking page 4, line 31, through page 5,  
11 line 3.  
12 5. Page 5, line 4, by striking the figure and  
13 words "3. The person has not" and inserting the  
14 following:  
15 "\_\_\_\_\_. a. The person must not have".  
16 6. Page 5, by striking lines 9 and 10 and  
17 inserting the following:  
18 "b. The department, another state, or the federal  
19 government must not have suspended an".  
20 7. Page 5, line 15, by striking the figure and  
21 words "5. The person has not" and inserting the  
22 following:  
23 "c. The person must not have".  
24 8. Page 5, line 19, by striking the figure and  
25 words "6. The person has not" and inserting the  
26 following:  
27 "d. The person must not have".  
28 9. Page 5, by inserting after line 23 the  
29 following:  
30 "\_\_\_\_\_. Within sixty days after the effective date  
31 of this Act, the person must have an electronic  
32 identification device implanted beneath the skin or  
33 hide of the dangerous wild animal, unless a licensed  
34 veterinarian states in writing that the implantation  
35 would endanger the comfort or health of the dangerous  
36 wild animal. In such case, an electronic  
37 identification device may be otherwise attached to the  
38 dangerous wild animal as required by the department."  
39 10. Page 5, line 30, by striking the words  
40 "maintain custody of" and inserting the following:  
41 "possess".  
42 11. Page 5, line 33, by striking the words  
43 "maintains custody" and inserting the following:  
44 "possesses".  
45 12. Page 6, line 25, by striking the figure  
46 "717F.7" and inserting the following: "717F.8".  
47 13. Page 7, by inserting after line 3 the  
48 following:  
49 "\_\_\_\_\_. To transfer ownership and possession of the  
50 dangerous wild animal to a wildlife sanctuary or

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1 provide for its destruction by euthanasia as required  
2 by the department."

3 14. Page 7, line 17, by striking the words  
4 "maintains custody of" and inserting the following:  
5 "possesses".

6 15. Page 7, line 19, by inserting after the word  
7 "animal." the following: "The person must reimburse  
8 the department or other public agency for actual  
9 expenses incurred by capturing and maintaining custody  
10 of the dangerous wild animal."

11 16. Page 7, by striking lines 21 through 23 and  
12 inserting the following: "dangerous wild animal, all  
13 of the following apply:

14 a. The person must so notify the department,  
15 stating the planned disposition of the dangerous wild  
16 animal.

17 b. The person must dispose of the dangerous wild  
18 animal by transferring ownership and possession to a  
19 wildlife sanctuary or providing for its destruction by  
20 euthanasia as required by the department."

21 17. Page 8, by inserting after line 26 the  
22 following:

23 "Sec. \_\_\_\_ . NEW SECTION. 717F.6 CAUSE OF THE  
24 ESCAPE OF A DANGEROUS WILD ANIMAL -- PROHIBITION.

25 A person shall not intentionally cause a dangerous  
26 wild animal to escape from its place of confinement,  
27 including as provided in section 717F.4."

28 18. Page 8, line 27, by striking the figure  
29 "717F.6" and inserting the following: "717F.7".

30 19. Page 9, by inserting after line 12 the  
31 following:

32 "\_\_\_\_. A county conservation board as provided in  
33 chapter 350."

34 20. Page 9, by inserting after line 21 the  
35 following:

36 "\_\_\_\_. A public agency which maintains permanent  
37 custody of a dangerous wild animal, if the person to  
38 whom the public agency assigns the duty to manage the  
39 custody of the dangerous wild animal complies with the  
40 provisions of section 717F.4."

41 21. Page 9, line 22, by striking the figure  
42 "717F.7" and inserting the following: "717F.8".

43 22. Page 10, line 6, by striking the figure  
44 "717F.8" and inserting the following: "717F.9".

45 23. Page 10, line 12, by striking the figure  
46 "717F.9" and inserting the following: "717F.10".

47 24. Page 10, line 12, by striking the word  
48 "PENALTY" and inserting the following: "CIVIL  
49 PENALTY".

50 25. Page 10, line 13, by inserting after the word

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Page 3

1 "person" the following: "owning or possessing a  
2 dangerous wild animal".  
3 26. Page 10, line 20, by striking the words and  
4 figure "NEW SECTION. 717F.10" and inserting the  
5 following: "NEW SECTION. 717F.11".  
6 27. Page 10, by inserting after line 25 the  
7 following:  
8 "Sec. \_\_\_\_ . NEW SECTION. 717F.12 CRIMINAL  
9 PENALTIES.  
10 A person who intentionally causes a dangerous wild  
11 animal to escape in violation of this chapter is  
12 guilty of an aggravated misdemeanor."

**By DR. JOE SENG**

**S-5113** FILED MARCH 21, 2006

ADOPTED

**SENATE FILE 2366**

**S-5106**

1 Amend Senate File 2366 as follows:  
2 1. Page 9, line 2, by inserting after the word  
3 "operating" the following: ", if the municipality  
4 issues permits".  
5 2. Page 9, by inserting after line 2 the  
6 following:  
7 " \_\_\_\_ . A municipality.  
8 \_\_\_\_ . A nonprofit corporation governed under  
9 chapter 504 that is an organization described in  
10 section 501(c)(3) of the Internal Revenue Code and  
11 that is exempt from taxation under section 501(a) of  
12 the Internal Revenue Code if the nonprofit corporation  
13 was a party to a contract executed with a municipality  
14 prior to the effective date of this Act to provide for  
15 the exhibition of dangerous wild animals at a  
16 municipal zoo."  
17 3. By renumbering as necessary.

**By DARYL BEALL**

**S-5106** FILED MARCH 21, 2006

ADOPTED

SENATE FILE 2366  
BY COMMITTEE ON NATURAL  
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 3244)

(AS AMENDED AND PASSED BY THE SENATE MARCH 21, 2006)

- ~~\_\_\_\_\_~~ - New Language by the Senate  
\* - Language Stricken by the Senate

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:

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S.F. 2366

1 Section 1. NEW SECTION. 717F.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. a. "Circus" means a person who is all of the  
5 following:

6 (1) The holder of a class "C" license issued by the United  
7 States department of agriculture as provided in 9 C.F.R., pt.  
8 2, subpt. A.

9 (2) Is temporarily in this state as an exhibitor as  
10 defined in 9 C.F.R., pt. 1, for purposes of providing skilled  
11 performances by dangerous wild animals, clowns, or acrobats  
12 for public entertainment.

13 b. "Circus" does not include a person, regardless of  
14 whether the person is a holder of a class "C" license as  
15 provided in paragraph "a", who does any of the following:

16 (1) Keeps a dangerous wild animal which is a member of the  
17 order carnivora within the family felidae or the family  
18 ursidae, as described in this section.

19 (2) Uses the dangerous wild animal for any of the  
20 following purposes:

21 (3) A presentation to children at a public or nonpublic  
22 school as defined in section 280.2.

23 (4) Entertainment that involves an activity in which a  
24 member of the public is in close proximity to the dangerous  
25 wild animal, including but not limited to a contest or a  
26 photographic opportunity.

27 2. "Custody" means to possess, control, keep, or harbor a  
28 dangerous wild animal in this state by a public agency.

29 3. a. "Dangerous wild animal" means any of the following:

30 (1) A member of the family canidae of the order carnivora,  
31 including but not limited to wolves, coyotes, and jackals.  
32 However, a dangerous wild animal does not include a domestic  
33 dog.

34 (2) A member of the family hyaenidae of the order of  
35 carnivora, including but not limited to hyenas.

1 (3) A member of the family felidae of the order carnivora,  
2 including but not limited to lions, tigers, cougars, leopards,  
3 cheetahs, ocelots, and servals. However, a dangerous wild  
4 animal does not include a domestic cat.

5 (4) A member of the family ursidae of the order carnivora,  
6 including bears and pandas.

7 (5) A member of the order perissodactyla, including but  
8 not limited to rhinoceroses, zebras, and tapirs. However, a  
9 dangerous wild animal does not include a horse, donkey, mule,  
10 or hinney.

11 (6) A member of the order proboscidea, which are any  
12 species of elephant.

13 (7) A member of the order of primates other than humans,  
14 and including the following families: callitrichiadae,  
15 cabidae, cercopithecidae, cheirogaleidae, daubentoniidae,  
16 galagonidae, hominidae, hylobatidae, indridae, lemuridae,  
17 loridae, megaladapidae, or tarsiidae. A member includes but  
18 is not limited to marmosets, tamarins, monkeys, lemurs,  
19 galagos, bushbabies, great apes, gibbons, lesser apes, indris,  
20 sifakas, and tarsiers.

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

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

26 (10) A member of the order squamata which is any of the  
27 following:

28 (a) A member of the family varanidae, which are limited to  
29 water monitors and crocodile monitors.

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

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

34 (d) A member of the family elapidae, voperidae,  
35 crotalidae, atractaspidae, or hydrophidae which are venomous,

1 including but not limited to cobras, mambas, coral snakes,  
2 kraits, adders, vipers, rattlesnakes, copperheads, pit vipers,  
3 keelbacks, cottonmouths, and sea snakes.

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

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

15 4. "Department" means the department of agriculture and  
16 land stewardship.

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

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

27 7. "Public agency" means the same as defined in section  
28 28E.2.

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

35 a. The organization does not buy, sell, trade, auction,

1 lease, loan, or breed any animal of which the organization is  
2 an owner.

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

6 Sec. 2. NEW SECTION. 717F.2 RULEMAKING -- 28E AGREEMENTS  
7 -- ASSISTANCE OF ANIMAL WARDEN.

8 1. The department shall administer this chapter by doing  
9 all of the following:

10 a. Adopting rules as provided in chapter 17A for the  
11 administration and enforcement of this chapter.

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

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

18 Sec. 3. NEW SECTION. 717F.3 DANGEROUS WILD ANIMALS --  
19 PROHIBITIONS.

20 Except as otherwise provided in this chapter, a person  
21 shall not do any of the following:

22 1. Own or possess a dangerous wild animal.

23 2. Cause or allow a dangerous wild animal owned by a  
24 person or in the person's possession to breed.

25 3. Transport a dangerous wild animal into this state.

26 Sec. 4. NEW SECTION. 717F.4 OWNING OR POSSESSING  
27 DANGEROUS WILD ANIMALS ON THE EFFECTIVE DATE OF THIS ACT --  
28 FEES.

29 A person who owns or possesses a dangerous wild animal on  
30 the effective date of this Act may continue to own or possess  
31 the dangerous wild animal subject to all of the following:

32 1. The person must be eighteen years old or older.

33 2. a. The person must not have been convicted of an  
34 offense involving the abuse or neglect of an animal pursuant  
35 to a law of this state or another state, including but not

1 limited to chapter 717, 717B, or 717C, or 717D or an ordinance  
2 adopted by a city or county.

3 b. The department, another state, or the federal  
4 government must not have suspended an application for a permit  
5 or license or revoked a permit or license required to operate  
6 a commercial establishment for the care, breeding, or sale of  
7 animals, including as provided in chapter 162.

8 c. The person must not have been convicted of a felony for  
9 an offense committed within the last ten years, as provided by  
10 this Code, under the laws of another state, or under federal  
11 law.

12 d. The person must not have been convicted of a  
13 misdemeanor or felony for an offense committed within the last  
14 ten years involving a controlled substance as defined in  
15 section 124.101 in this state, under the laws of another  
16 state, or under federal law.

17 3. Within sixty days after the effective date of this Act,  
18 the person must have an electronic identification device  
19 implanted beneath the skin or hide of the dangerous wild  
20 animal, unless a licensed veterinarian states in writing that  
21 the implantation would endanger the comfort or health of the  
22 dangerous wild animal. In such case, an electronic  
23 identification device may be otherwise attached to the  
24 dangerous wild animal as required by the department.

25 4. Within sixty days after the effective date of this Act,  
26 the person must notify the department using a registration  
27 form prepared by the department. The registration form shall  
28 include all of the following information:

29 a. The person's name, address, and telephone number.

30 b. A sworn affidavit that the person meets the  
31 requirements necessary to own or possess a dangerous wild  
32 animal as provided in this section.

33 c. A complete inventory of each dangerous wild animal for  
34 which the person owns or possesses. The inventory shall  
35 include all of the following information:

1 (1) The number of the dangerous wild animals according to  
2 species.

3 (2) The manufacturer and manufacturer's number of the  
4 electronic device implanted in or attached to each dangerous  
5 wild animal.

6 (3) The location where each dangerous wild animal is kept.  
7 The person must notify the department in writing within ten  
8 days of a change of address or location where the dangerous  
9 wild animal is kept.

10 (4) The approximate age, sex, color, weight, scars, and  
11 any distinguishing marks of each dangerous wild animal.

12 (5) The name, business mailing address, and business  
13 telephone number of the licensed veterinarian who is  
14 responsible for providing care to the dangerous wild animal.  
15 The information shall include a statement signed by the  
16 licensed veterinarian certifying that the dangerous wild  
17 animal is in good health.

18 (6) A color photograph of the dangerous wild animal.

19 (7) A copy of a current liability insurance policy as  
20 required in this section. The person shall send a copy of the  
21 current liability policy to the department each year.

22 The department may charge a registration fee for each  
23 dangerous wild animal kept by the person. The amount of the  
24 registration fee shall not exceed five hundred dollars. Fees  
25 collected by the department shall be deposited into the  
26 dangerous wild animal fund created pursuant to section 717F.8.

27 5. The person must maintain health and ownership records  
28 for the dangerous wild animal for the life of the dangerous  
29 wild animal.

30 6. The person must confine the dangerous wild animal in a  
31 primary enclosure as required by the department on the  
32 person's premises. The person must not allow the dangerous  
33 wild animal outside of the primary enclosure unless the  
34 dangerous wild animal is moved pursuant to any of the  
35 following:

1 a. To receive veterinary care from a licensed  
2 veterinarian.

3 b. To comply with the directions of the department or an  
4 animal warden.

5 c. To transfer ownership and possession of the dangerous  
6 wild animal to a wildlife sanctuary or provide for its  
7 destruction by euthanasia as required by the department.

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

13 8. The person must immediately notify an animal warden or  
14 other local law enforcement official of any escape of a  
15 dangerous wild animal.

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

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

27 11. If the person is no longer able to care for the  
28 dangerous wild animal, all of the following apply:

29 a. The person must so notify the department, stating the  
30 planned disposition of the dangerous wild animal.

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

35 Sec. 5. NEW SECTION. 717F.5 SEIZURE, CUSTODY, AND

1 DISPOSAL OF DANGEROUS WILD ANIMALS.

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

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

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

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

24 (1) The person is capable of providing the care required  
25 for the dangerous wild animal.

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

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

30 b. If the court orders a permanent disposition of the  
31 dangerous wild animal, the dangerous wild animal shall be  
32 subject to disposition as provided in section 717B.4 and the  
33 responsible party shall be assessed costs associated with its  
34 seizure, custody, and disposition as provided in that section.  
35 The department may find long-term placement for the dangerous

1 wild animal with a wildlife sanctuary or institution  
2 accredited by the American zoo and aquarium association.

3 Sec. 6. NEW SECTION. 717F.6 CAUSE OF THE ESCAPE OF A  
4 DANGEROUS WILD ANIMAL -- PROHIBITION.

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

8 Sec. 7. NEW SECTION. 717F.7 EXEMPTIONS.

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

10 1. An institution accredited by the American zoo and  
11 aquarium association.

12 2. A wildlife sanctuary.

13 3. A person who has been issued a falconry license by the  
14 department pursuant to section 483A.1.

15 4. A person who has been issued a wildlife rehabilitation  
16 permit by the department pursuant to section 481A.65.

17 5. A circus that obtains a permit from the municipality in  
18 which it will be temporarily operating, if the municipality  
19 issues permits.

20 6. A municipality.

21 7. A nonprofit corporation governed under chapter 504 that  
22 is an organization described in section 501(c)(3) of the  
23 Internal Revenue Code and that is exempt from taxation under  
24 section 501(a) of the Internal Revenue Code if the nonprofit  
25 corporation was a party to a contract executed with a  
26 municipality prior to the effective date of this Act to  
27 provide for the exhibition of dangerous wild animals at a  
28 municipal zoo.

29 8. The state fair as provided in chapter 173 or any fair  
30 as provided in chapter 174.

31 9. A licensed or accredited facility where a dangerous  
32 wild animal is kept for educational or scientific purposes,  
33 including an institution as defined in section 145B.1 or a  
34 research facility as defined in section 162.2.

35 10. A location operated by a person licensed to practice

1 veterinary medicine pursuant to chapter 169.

2 11. A pound as defined in section 162.2.

3 12. An animal shelter as defined in section 162.2.

4 13. A county conservation board as provided in chapter  
5 350.

6 14. An employee of the department responsible for the  
7 administration of this chapter, an animal warden as defined in  
8 section 162.2, or an animal care provider or law enforcement  
9 officer as defined in section 717B.1.

10 15. A person temporarily transporting a dangerous wild  
11 animal through this state if the transit time is not more than  
12 ninety-six hours and the dangerous wild animal is maintained  
13 within a confined area sufficient to prevent its escape or  
14 injuring members of the traveling public:

15 16. A public agency which maintains permanent custody of a  
16 dangerous wild animal, if the person to whom the public agency  
17 assigns the duty to manage the custody of the dangerous wild  
18 animal complies with the provisions of section 717F.4.

19 Sec. 8. NEW SECTION. 717F.8 DANGEROUS WILD ANIMAL  
20 REGISTRATION FUND.

21 1. A dangerous wild animal registration fund is created in  
22 the state treasury under the control of the department. The  
23 fund is composed of moneys appropriated by the general  
24 assembly and moneys available to and obtained or accepted by  
25 the department from the United States or private sources for  
26 placement in the fund. The fund shall include moneys  
27 deposited into the fund from registration fees collected by  
28 the department pursuant to section 717F.4.

29 2. Moneys in the dangerous wild animal registration fund  
30 are appropriated to the department exclusively to administer  
31 and enforce the provisions of this chapter. The moneys shall  
32 not be transferred, used, obligated, appropriated, or  
33 otherwise encumbered except as provided in this subsection.

34 3. Section 8.33 shall not apply to moneys in the dangerous  
35 wild animal registration fund. Notwithstanding section 12C.7,

1 moneys earned as income or interest from the fund shall remain  
2 in the fund until expended as provided in this section.

3 Sec. 9. NEW SECTION. 717F.9 ENFORCEMENT.

4 The department is the principal agency charged with  
5 enforcing the provisions of this chapter. An animal warden as  
6 defined in section 162.2, or an animal care provider or law  
7 enforcement officer as defined in section 717B.1, shall  
8 enforce this chapter as directed by the department.

9 Sec. 10. NEW SECTION. 717F.10 CIVIL PENALTY.

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

17 Sec. 11. NEW SECTION. 717F.11 INJUNCTIVE RELIEF.

18 The courts of this state may prevent and restrain  
19 violations of this chapter through the issuance of an  
20 injunction. The attorney general or a county attorney shall  
21 institute suits on behalf of the state to prevent and restrain  
22 violations of this chapter.

23 Sec. 12. NEW SECTION. 717F.12 CRIMINAL PENALTIES.

24 A person who intentionally causes a dangerous wild animal  
25 to escape in violation of this chapter is guilty of an  
26 aggravated misdemeanor.

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SSB#3244

Seng co-chair  
Lundby co-chair  
Bolkcom  
Miller

Succeeded By  
SF / HF 23/6

Natural Resources

SENATE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES AND  
ENVIRONMENT BILL BY  
CO-CHAIRPERSON BLACK)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

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3 requires:

4 1. a. "Circus" means a person who is all of the  
5 following:

6 (1) The holder of a class "C" license issued by the United  
7 States department of agriculture as provided in 9 C.F.R., pt.  
8 2, subpt. A.

9 (2) Is temporarily in this state as an exhibitor as  
10 defined in 9 C.F.R., pt. 1, for purposes of providing skilled  
11 performances by dangerous wild animals, clowns, or acrobats  
12 for public entertainment.

13 b. "Circus" does not include a person, regardless of  
14 whether the person is a holder of a class "C" license as  
15 provided in paragraph "a", who does any of the following:

16 (1) Keeps a dangerous wild animal which is a member of the  
17 order carnivora within the family felidae or the family  
18 ursidae, as described in this section.

19 (2) Uses the dangerous wild animal for any of the  
20 following purposes:

21 (a) Exhibition.

22 (b) Education.

23 (c) Entertainment that involves an activity in which a  
24 member of the public is in close proximity to the dangerous  
25 wild animal, including but not limited to a contest or a  
26 photographic opportunity.

27 2. "Custody" means to possess, control, keep, or harbor a  
28 dangerous wild animal in this state.

29 3. a. "Dangerous wild animal" means any of the following:

30 (1) A member of the family canidae of the order carnivora,  
31 including but not limited to wolves, coyotes, and jackals.  
32 However, a dangerous wild animal does not include a domestic  
33 dog.

34 (2) A member of the family hyaenidae of the order of  
35 carnivora, including but not limited to hyenas.

1 (3) A member of the family felidae of the order carnivore,  
2 including but not limited to lions, tigers, cougars, leopards,  
3 cheetahs, ocelots, and servals. However, a dangerous wild  
4 animal does not include a domestic cat.

5 (4) A member of the family ursidae of the order carnivora,  
6 including bears and pandas.

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8 not limited to rhinoceroses, zebras, and tapirs. However, a  
9 dangerous wild animal does not include a horse, donkey, mule,  
10 or hinney.

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12 species of elephant.

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14 and including the following families: callitrichiadae,  
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18 is not limited to marmosets, tamarins, monkeys, lemurs,  
19 galagos, bushbabies, great apes, gibbons, lesser apes, indris,  
20 sifakas, and tarsiers.

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22 limited to alligators, caimans, crocodiles, and gharials.

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24 squamata, which are limited to water monitors and crocodile  
25 monitors.

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33 not limited to beaded lizards and gila monsters.

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6 pythons.

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9 animal provided in that paragraph or any other animal. It  
10 also includes animals which are the offspring of each  
11 subsequent generation. However, a dangerous wild animal does  
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13 offspring from each subsequent generation in which at least  
14 one parent is a domestic dog.

15 4. "Department" means the department of natural resources  
16 created in section 455A.2.

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18 when installed is designed to store information regarding an  
19 animal or the animal's owner in a digital format which may be  
20 accessed by a computer for purposes of reading or manipulating  
21 the information.

22 6. "Possess" means to own, keep, or control a dangerous  
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30 unwanted, impounded, abandoned, orphaned, or displaced  
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32 following apply:

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22 person or in the person's possession to breed.

23 3. Transport a dangerous wild animal into this state.

24 Sec. 4. NEW SECTION. 717F.4 OWNING OR POSSESSING  
25 DANGEROUS WILD ANIMALS ON THE EFFECTIVE DATE OF THIS ACT --  
26 FEES.

27 A person who owns or possesses a dangerous wild animal on  
28 the effective date of this Act may continue to own or possess  
29 the dangerous wild animal subject to all of the following:

30 1. The person must be eighteen years old or older.

31 2. Within sixty days after the effective date of this Act,  
32 the person must have an electronic identification device  
33 implanted beneath the skin or hide of the dangerous wild  
34 animal, unless a licensed veterinarian states in writing that  
35 the implantation would endanger the comfort or health of the

1 dangerous wild animal. In such case, an electronic  
2 identification device may be otherwise attached to the  
3 dangerous wild animal.

4 3. The person has not been convicted of an offense  
5 involving the abuse or neglect of an animal pursuant to a law  
6 of this state or another state, including but not limited to  
7 chapter 717, 717B, or 717C, or 717D or an ordinance adopted by  
8 a city or county.

9 4. The department of agriculture and land stewardship,  
10 another state, or the federal government has not suspended an  
11 application for a permit or license or revoked a permit or  
12 license required to operate a commercial establishment for the  
13 care, breeding, or sale of animals, including as provided in  
14 chapter 162.

15 5. The person has not been convicted of a felony for an  
16 offense committed within the last ten years, as provided by  
17 this Code, under the laws of another state, or under federal  
18 law.

19 6. The person has not been convicted of a misdemeanor or  
20 felony for an offense committed within the last ten years  
21 involving a controlled substance as defined in section 124.101  
22 in this state, under the laws of another state, or under  
23 federal law.

24 7. Within sixty days after the effective date of this Act,  
25 the person must notify the department using a registration  
26 form prepared by the department. The registration form shall  
27 include all of the following information:

28 a. The person's name, address, and telephone number.

29 b. A sworn affidavit that the person meets the  
30 requirements necessary to own or maintain custody of a  
31 dangerous wild animal as provided in this section.

32 c. A complete inventory of each dangerous wild animal for  
33 which the person owns or maintains custody. The inventory  
34 shall include all of the following information:

35 (1) The number of the dangerous wild animals according to

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1 species.

2 (2) The manufacturer and manufacturer's number of the  
3 electronic device implanted in or attached to each dangerous  
4 wild animal.

5 (3) The location where each dangerous wild animal is kept.  
6 The person must notify the department in writing within ten  
7 days of a change of address or location where the dangerous  
8 wild animal is kept.

9 (4) The approximate age, sex, color, weight, scars, and  
10 any distinguishing marks of each dangerous wild animal.

11 (5) The name, business mailing address, and business  
12 telephone number of the licensed veterinarian who is  
13 responsible for providing care to the dangerous wild animal.  
14 The information shall include a statement signed by the  
15 licensed veterinarian certifying that the dangerous wild  
16 animal is in good health.

17 (6) A color photograph of the dangerous wild animal.

18 (7) A copy of a current liability insurance policy as  
19 required in this section. The person shall send a copy of the  
20 current liability policy to the department each year.

21 The department may charge a registration fee for each  
22 dangerous wild animal kept by the person. The amount of the  
23 registration fee shall not exceed five hundred dollars. Fees  
24 collected by the department shall be deposited into the  
25 dangerous wild animal fund created pursuant to section 717F.7.

26 8. The person must maintain health and ownership records  
27 for the dangerous wild animal for the life of the dangerous  
28 wild animal.

29 9. The person must confine the dangerous wild animal in a  
30 primary enclosure as required by the department on the  
31 person's premises. The person must not allow the dangerous  
32 wild animal outside of the primary enclosure unless the  
33 dangerous wild animal is moved pursuant to any of the  
34 following:

35 a. To receive veterinary care from a licensed

1 veterinarian.

2 b. To comply with the directions of the department or an  
3 animal warden.

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

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

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

17 13. The person who owns or maintains custody of the  
18 dangerous wild animal is strictly liable for any damages,  
19 injury, or death caused by the dangerous wild animal.

20 14. If the person is no longer able to care for the  
21 dangerous wild animal, the person shall notify the department  
22 and find long-term placement for the dangerous wild animal  
23 with a wildlife sanctuary.

24 Sec. 5. NEW SECTION. 717F.5 SEIZURE, CUSTODY, AND  
25 DISPOSAL OF DANGEROUS WILD ANIMALS.

26 1. a. Except as provided in paragraph "b", the department  
27 shall seize a dangerous wild animal which is in the possession  
28 of a person if the person is not in compliance with the  
29 requirements of this chapter.

30 b. Upon request, the department may provide that the  
31 person retain possession of the dangerous wild animal for not  
32 more than ten days, upon conditions required by the  
33 department. During that period, the person shall take all  
34 necessary actions to comply with this chapter. The department  
35 shall inspect the premises where the dangerous wild animal is

1 kept during reasonable times to ensure that the person is  
2 complying with the conditions.

3 2. If the person fails to comply with the conditions of  
4 the department at any time or is not in compliance with this  
5 chapter following the ten-day period, the department shall  
6 seize the dangerous wild animal.

7 a. The dangerous wild animal shall be considered to be a  
8 threatened animal which has been rescued as provided in  
9 chapter 717B. The court may authorize the return of the  
10 dangerous wild animal to the person from whom the dangerous  
11 wild animal was seized if the court finds all of the  
12 following:

13 (1) The person is capable of providing the care required  
14 for the dangerous wild animal.

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

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

19 b. If the court orders a permanent disposition of the  
20 dangerous wild animal, the dangerous wild animal shall be  
21 subject to disposition as provided in section 717B.4 and the  
22 responsible party shall be assessed costs associated with its  
23 seizure, custody, and disposition as provided in that section.  
24 The department may find long-term placement for the dangerous  
25 wild animal with a wildlife sanctuary or institution  
26 accredited by the American zoo and aquarium association.

27 Sec. 6. NEW SECTION. 717F.6 EXEMPTIONS.

28 This chapter does not apply to any of the following:

29 1. An institution accredited by the American zoo and  
30 aquarium association.

31 2. A wildlife sanctuary.

32 3. A person who has been issued a falconry license by the  
33 department pursuant to section 483A.1.

34 4. A person who has been issued a wildlife rehabilitation  
35 permit by the department pursuant to section 481A.65.

1 5. A circus that obtains a permit from the municipality in  
2 which it will be temporarily operating.

3 6. The state fair as provided in chapter 173 or any fair  
4 as provided in chapter 174.

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

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

11 9. A pound as defined in section 162.2.

12 10. An animal shelter as defined in section 162.2.

13 11. An employee of the department responsible for the  
14 administration of this chapter, an animal warden as defined in  
15 section 162.2, or an animal care provider or law enforcement  
16 officer as defined in section 717B.1.

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

22 **Sec. 7. NEW SECTION. 717F.7 DANGEROUS WILD ANIMAL**  
23 **REGISTRATION FUND.**

24 1. A dangerous wild animal registration fund is created in  
25 the state treasury under the control of the department. The  
26 fund is composed of moneys appropriated by the general  
27 assembly and moneys available to and obtained or accepted by  
28 the department from the United States or private sources for  
29 placement in the fund. The fund shall include moneys  
30 deposited into the fund from registration fees collected by  
31 the department pursuant to section 717F.4.

32 2. Moneys in the dangerous wild animal registration fund  
33 are appropriated to the department exclusively to administer  
34 and enforce the provisions of this chapter. The moneys shall  
35 not be transferred, used, obligated, appropriated, or

1 otherwise encumbered except as provided in this subsection.

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

6 Sec. 8. NEW SECTION. 717F.8 ENFORCEMENT.

7 The department is the principal agency charged with  
8 enforcing the provisions of this chapter. An animal warden as  
9 defined in section 162.2, or an animal care provider or law  
10 enforcement officer as defined in section 717B.1, shall  
11 enforce this chapter as directed by the department.

12 Sec. 9. NEW SECTION. 717F.9 PENALTY.

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

20 Sec. 10. NEW SECTION. 717F.10 INJUNCTIVE RELIEF.

21 The courts of this state may prevent and restrain  
22 violations of this chapter through the issuance of an  
23 injunction. The attorney general or a county attorney shall  
24 institute suits on behalf of the state to prevent and restrain  
25 violations of this chapter.

26 EXPLANATION

27 This bill creates new Code chapter 717F, which regulates  
28 the possession of dangerous wild animals which are defined to  
29 include wolves, coyotes, jackals, hyenas, lions, tigers,  
30 cougars, leopards, cheetahs, ocelots, servals, bears, pandas,  
31 primates other than humans, alligators, crocodiles, water  
32 monitors, and venomous snakes.

33 The department of natural resources is charged to  
34 administer the bill's provisions, although the department may  
35 execute Code chapter 28E agreements with other government

1 entities. The bill prohibits a person from owning or  
2 possessing a dangerous wild animal, with certain exceptions.  
3 It prohibits a person from breeding or transporting a  
4 dangerous wild animal into this state.

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

23 The bill provides for the seizure, custody, and disposal of  
24 dangerous wild animals which are kept in violation of the  
25 bill's provisions. The department may allow the person in  
26 possession of the dangerous wild animal to correct the  
27 violation and keep the animal for 10 days but subject to  
28 conditions established by the department. If the person fails  
29 to comply with those conditions at any time or is not in  
30 compliance with the bill's provisions following the 10-day  
31 period, the department is required to seize the dangerous wild  
32 animal. The dangerous wild animal is considered a threatened  
33 animal in the same manner as provided in Code chapter 717B,  
34 which authorizes the rescue of animals other than livestock.  
35 It provides for notifying the owner of the dangerous wild

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1 animal of the seizure, provides for a court hearing to  
2 determine disposition, and requires that persons responsible  
3 for the dangerous wild animal pay costs associated with its  
4 custody and disposition. The bill provides that a court may  
5 order the return of the dangerous wild animal if it determines  
6 that the person is capable of providing for its care.

7 The bill exempts a number of persons and locations from the  
8 requirements of the bill, including an accredited zoo,  
9 sanctuary, circus, fair, research facility, licensed  
10 veterinarian, pound, animal shelter, or a person transporting  
11 the dangerous wild animal through the state.

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

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