
HOUSE BILL No. 1288

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2; IC 14-22-26.

Synopsis: Dangerous wild animals. Classifies certain animals as "dangerous wild animals". Except for certain exemptions, requires that a person must have a permit from the department of natural resources to possess a dangerous wild animal. Requires that a person who possesses a dangerous wild animal must meet certain conditions and requirements. Prohibits a person from acquiring or breeding a dangerous wild animal after July 1, 2012. Establishes a Class B infraction for a violation and a penalty not to exceed \$2,000 for subsequent violations. Allows the department of natural resources to adopt rules concerning permit fees and caging requirements for dangerous wild animals. Allows a city or county to adopt more restrictive ordinances concerning dangerous wild animals.

Effective: July 1, 2012.

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January 11, 2012, read first time and referred to Committee on Natural Resources.

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Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1288



A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-8-2-40.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2012]: **Sec. 40.5. "Circus", for purposes of IC 14-22-26, has the**
- 4 **meaning set forth in IC 14-22-26-2(1).**
- 5 SECTION 2. IC 14-8-2-64.5 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2012]: **Sec. 64.5. "Dangerous wild animal", for purposes of**
- 8 **IC 14-22-26, has the meaning set forth in IC 14-22-26-2(2).**
- 9 SECTION 3. IC 14-8-2-209.5 IS ADDED TO THE INDIANA
- 10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 11 [EFFECTIVE JULY 1, 2012]: **Sec. 209.5. "Possess", for purposes of**
- 12 **IC 14-22-26, has the meaning set forth in IC 14-22-26-2(3).**
- 13 SECTION 4. IC 14-8-2-320.5 IS ADDED TO THE INDIANA
- 14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 15 [EFFECTIVE JULY 1, 2012]: **Sec. 320.5. "Wildlife sanctuary", for**
- 16 **purposes of IC 14-22-26, has the meaning set forth in**
- 17 **IC 14-22-26-2(4).**



1 SECTION 5. IC 14-8-2-323 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 323. "Zoological park",
 3 for purposes of IC 14-22-26, has the meaning set forth in
 4 ~~IC 14-22-26-2.~~ **IC 14-22-26-2(5).**

5 SECTION 6. IC 14-22-26-1 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This chapter does not
 7 apply to ~~licensed commercial animal dealers~~, **the following:**

8 (1) Zoological parks.

9 (2) **Facilities that have an active contractual relationship with**
 10 **an Association of Zoos and Aquariums Species Survival Plan**
 11 **program for breeding of species listed as threatened or**
 12 **endangered under 16 U.S.C. 1533.**

13 (3) ~~Circuses. or carnivals.~~

14 (4) **Licensed or accredited research facilities as defined by 7**
 15 **U.S.C. 2132(d), as amended, for the species of animals for**
 16 **which the facility is registered.**

17 (5) **Veterinary hospitals or clinics operated by a licensed**
 18 **veterinarian that are providing treatment to a dangerous wild**
 19 **animal.**

20 (6) **Wildlife sanctuaries.**

21 (7) **Rehabilitators who have been issued a state or federal**
 22 **wildlife rehabilitation permit to rehabilitate dangerous wild**
 23 **animals that are:**

24 (A) **native to Indiana; and**

25 (B) **unable to be released into the wild.**

26 (8) **Animal control and law enforcement officers acting under**
 27 **the authority of this chapter.**

28 (9) **Organizations housing a dangerous wild animal at the**
 29 **request of the department or a law enforcement officer.**

30 (10) **Persons who transport a dangerous wild animal through**
 31 **Indiana if:**

32 (A) **the person who transports the dangerous wild animal**
 33 **through Indiana notifies the department at least**
 34 **seventy-two (72) hours before entering Indiana and**
 35 **identifies the number and type of dangerous wild animals**
 36 **that will be transported;**

37 (B) **the transit time through Indiana is less than**
 38 **twenty-four (24) hours;**

39 (C) **the animal is not exhibited in Indiana; and**

40 (D) **the animal is continuously confined in a container that**
 41 **is of sufficient strength to prevent the animal from**
 42 **escaping or coming into contact with the public.**

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1 SECTION 7. IC 14-22-26-2 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. As used in The
 3 following definitions apply throughout this chapter:

4 (1) "Circus" means an exhibitor that:

5 (A) has any license required by the United States
 6 Department of Agriculture under 9 CFR 1; and

7 (B) offers performances by animals, clowns, and acrobats
 8 for public entertainment.

9 (2) "Dangerous wild animal" means the following:

10 (A) Except for domesticated and feral cats, all species in
 11 the family Felidae, including hybrids.

12 (B) Except for domesticated dogs, all species in the family
 13 Canidae, including hybrids.

14 (C) All species in the family Ursidae (bears).

15 (D) All species of family Hyaenidae (hyena and aardwolf).

16 (E) Nonhuman primates.

17 (F) All species of family Procyonidea (raccoons, kinkajous,
 18 and coatimundis).

19 (G) Elephants.

20 (H) Crocodilians.

21 (I) Venomous reptiles.

22 (J) All species in the family Boidae (anacondas, pythons,
 23 boa constrictors).

24 (K) Any other animal classified as a prohibited animal by
 25 the department.

26 (3) "Possess" means to own, harbor, or have custody or
 27 control of a dangerous wild animal.

28 (4) "Wildlife sanctuary" means a nonprofit organization
 29 that:

30 (A) operates a place of refuge where abused, neglected,
 31 unwanted, impounded, abandoned, orphaned, or displaced
 32 animals are provided care for the animal's lifetime;

33 (B) does not conduct any commercial activity with respect
 34 to dangerous wild animals;

35 (C) does not sell, trade, auction, lease, or loan dangerous
 36 wild animals or parts of a dangerous wild animal;

37 (D) does not breed dangerous wild animals;

38 (E) does not allow the public the opportunity to come into
 39 contact with the dangerous wild animal; and

40 (F) does not use a dangerous wild animal for
 41 entertainment purposes.

42 (5) "Zoological park" means:

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- 1 (1) **(A)** a permanent establishment that is a member of the
 2 American Association of Zoological Parks and Aquariums; or
 3 (2) **(B)** an agency of local government, open to and
 4 administered for the public, to provide education,
 5 conservation, and preservation of the earth's fauna.

6 SECTION 8. IC 14-22-26-3 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a) Except as
 8 provided in this chapter, a person may not possess a dangerous
 9 wild animal.**

10 **(b)** The director may adopt rules under IC 4-22-2 to require and
 11 issue the following:

- 12 (1) A permit to possess a wild animal protected by statute or rule.
 13 (2) A permit to possess a wild animal that may be harmful or
 14 dangerous to plants or animals. A separate permit is required for
 15 each wild animal described in this subdivision.
 16 **(3) A permit to possess a dangerous wild animal if the
 17 applicant possessed the dangerous wild animal before July 1,
 18 2012.**

19 **(c)** A person who obtains a permit to possess a dangerous wild
 20 animal shall comply with the following requirements:

- 21 (1) The person may not breed a dangerous wild animal or
 22 replace a dangerous wild animal.
 23 (2) The person shall notify the department immediately if the
 24 dangerous wild animal escapes.
 25 (3) The person shall notify the department before moving the
 26 dangerous wild animal or changing the person's addresses.
 27 (4) The person shall not allow the dangerous wild animal to
 28 come into physical contact with any person other than the
 29 person possessing the animal, the animal's designated
 30 handler, an employee of the department or a law enforcement
 31 officer enforcing this chapter, or a veterinarian administering
 32 medical examination, treatment, or care.
 33 (5) The person has not been convicted for an offense involving
 34 the abuse or neglect of an animal.
 35 (6) The person has not had a permit or license concerning the
 36 care, possession, exhibition, breeding, or sale of an animal
 37 revoked or suspended by a governmental agency.
 38 (7) The person shall maintain records for each dangerous
 39 wild animal, including veterinary records, acquisition papers,
 40 and any other records that prove ownership of the dangerous
 41 wild animal.
 42 (8) The person presents proof of liability insurance in an

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1 amount of not less than one hundred thousand dollars
 2 (\$100,000), with a deductible of not more than two hundred
 3 fifty dollars (\$250), for each occurrence of property damage,
 4 bodily injury, or death caused by any dangerous wild animal
 5 possessed by the person.

6 (9) The person must notify the department not less than three
 7 (3) days before a dangerous wild animal is sold or the
 8 ownership is transferred.

9 SECTION 9. IC 14-22-26-4 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. A **wild animal**
 11 permit issued under this chapter:

- 12 (1) must be in the form prescribed by the director;
 13 (2) may not be issued unless the director is satisfied that the
 14 permit should be issued;
 15 (3) has an expiration date fixed by the director; and
 16 (4) has a fee of ten dollars (\$10).

17 SECTION 10. IC 14-22-26-4.5 IS ADDED TO THE INDIANA
 18 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2012]: **Sec. 4.5. (a) An applicant for a permit**
 20 **to possess a dangerous wild animal must submit an application**
 21 **that includes the following:**

- 22 (1) **A fee established by the department for each dangerous**
 23 **wild animal.**
 24 (2) **The name, address, and telephone number of the**
 25 **applicant.**
 26 (3) **A description of each dangerous wild animal, including**
 27 **the scientific name, common name, and any information that**
 28 **would aid in the identification of the animal.**
 29 (4) **The exact location where each dangerous wild animal is**
 30 **to be kept.**

31 (b) **The director may issue a permit to possess a dangerous wild**
 32 **animal if the director determines that the applicant has met the**
 33 **requirements of subsection (a).**

34 (c) **A permit to possess a dangerous wild animal expires one (1)**
 35 **year after the date of issuance.**

36 SECTION 11. IC 14-22-26-5 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) If an emergency
 38 exists, the director may summarily suspend a permit issued under this
 39 chapter. The director may summarily seize and hold ~~an~~ **a wild or**
 40 **dangerous wild** animal for which a permit is required under this
 41 chapter, pending the outcome of the proceedings under this section, if

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1 **either the director believes that an emergency exists because at**
 2 **least one (1) of the following conditions exist:**

3 (1) A permit has not been issued to possess the animal.

4 (2) A permit has been issued to possess the animal, but the
 5 director believes that an emergency exists because at least one (1)
 6 of the following conditions exists:

7 (A) The animal is in a position to harm another animal.

8 (B) The life or health of the animal is in peril.

9 **(3) The animal poses a risk to public health or safety.**

10 **(b) The director shall seize and hold a dangerous wild animal,**
 11 **pending the outcome of the proceedings under this section, if:**

12 **(1) the person who possesses the dangerous wild animal does**
 13 **not have a permit to possess the dangerous wild animal; or**

14 **(2) the person took possession of the dangerous wild animal**
 15 **after June 30, 2012.**

16 ~~(b)~~ **(c)** After suspending a permit or seizing and holding an animal
 17 under subsection (a), the department shall proceed as quickly as
 18 feasible to provide the opportunity for completed adjudicative
 19 proceedings under IC 4-21.5. The proceedings may result in the
 20 revocation, temporary suspension, or modification of the permit.
 21 Provision may be made for a final disposition with respect to the wild
 22 **or dangerous wild** animal, including confiscation of the animal.
 23 IC 4-21.5 provides the exclusive remedy available to a person
 24 aggrieved by a determination of the department under this section.

25 ~~(c)~~ **(d)** The director may contract with experts in the handling of
 26 **wild or dangerous wild** animals for which a permit is required under
 27 ~~this chapter~~ to assist the director in seizing and holding an animal
 28 under this section. A person who seizes and holds an animal under a
 29 contract with the director is not subject to legal action arising from the
 30 seizure or holding to the same extent as if the person was an employee
 31 of the department.

32 ~~(d)~~ **(e)** The owner of ~~an a~~ **wild or dangerous wild** animal seized
 33 under this section is liable for the costs of seizing and holding the
 34 animal and of the proceedings under this section, including a trial, if
 35 any.

36 **(f) A wild or dangerous wild animal seized under this chapter**
 37 **may not be returned to the person who had possession of the**
 38 **animal before seizure unless:**

39 **(1) the person's possession of the wild or dangerous wild**
 40 **animal does not violate this section; and**

41 **(2) the return of the wild or dangerous wild animal does not**
 42 **pose a risk to public health or safety.**

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1 (g) If a dangerous wild animal that:

2 (1) is seized under this chapter;

3 (2) cannot be returned to the person who had possession of
4 the animal under subsection (f); and

5 (3) is an animal for which the director cannot find an
6 appropriate placement;

7 the director may order that the animal be euthanized.

8 SECTION 12. IC 14-22-26-6 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The director
10 may adopt rules under IC 4-22-2 concerning the following:

11 (1) A fee for each dangerous wild animal permit. The fee may
12 provide for a sliding scale to provide a reduced fee for
13 additional dangerous wild animals owned or possessed by the
14 applicant.

15 (2) Minimum caging and husbandry standards for various
16 dangerous wild animals.

17 (b) Rules adopted under this chapter must provide for the
18 following:

19 (1) The safety of the public.

20 (2) The health of the animals.

21 SECTION 13. IC 14-22-26-7 IS ADDED TO THE INDIANA
22 CODE AS A NEW SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2012]: Sec. 7. A person who knowingly
24 violates this chapter commits a Class B infraction.
25 Notwithstanding IC 34-28-5-4(b), a civil judgment of not more
26 than two thousand dollars (\$2,000) for an infraction committed
27 under this section may be imposed if the person has a prior
28 unrelated judgment for violating this chapter.

29 SECTION 14. IC 14-22-26-8 IS ADDED TO THE INDIANA
30 CODE AS A NEW SECTION TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2012]: Sec. 8. This chapter does not prohibit
32 a county or city from adopting an ordinance concerning dangerous
33 wild animals that is more restrictive than this chapter.

34 SECTION 15. IC 14-22-26-9 IS ADDED TO THE INDIANA
35 CODE AS A NEW SECTION TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) Notwithstanding this
37 chapter, a Class II or Class III permit issued under 312 IAC 9-11
38 for a dangerous wild animal expires December 31, 2012.

39 (b) Notwithstanding section 3 of this chapter, a person who
40 possesses a dangerous wild animal must apply for a dangerous
41 wild animal permit under section 3 of this chapter before
42 September 1, 2012. The department must issue or deny a permit

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1 **before December 31, 2012, to a person who applies under this**
2 **subsection for a permit to possess a dangerous wild animal.**
3 **(c) This SECTION expires July 1, 2013.**

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