

REFERENCE TITLE: **possessing dangerous wildlife prohibited**

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HB 2375

Introduced by
Representatives Campbell CH, Campbell CL, Sinema, Young Wright:
Ableser

AN ACT

Amending section 17-306, Arizona Revised Statutes; amending title 17, chapter 3, article 1, Arizona Revised Statutes, by adding section 17-321; relating to dangerous wildlife.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 17-306, Arizona Revised Statutes, is amended to read:

17-306. Importation, transportation, release or possession of live wildlife

~~No~~ A person shall ~~not~~ import or transport into ~~the~~ ~~this~~ state, ~~or~~ sell, trade or release within ~~the~~ ~~this~~ state or ~~have in his possession~~ possess any live wildlife except as authorized by the commission, as provided by section 17-321 or as defined in title 3, chapter 16.

Sec. 2. Title 17, chapter 3, article 1, Arizona Revised Statutes, is amended by adding section 17-321, to read:

17-321. Possession of dangerous wildlife prohibited; exceptions; violation; classification; definition

A. Except as provided in subsection B of this section, a person shall not own, possess, keep, harbor, import or transport into this state, have custody or control of or propagate dangerous wildlife.

B. Subsection A of this section does not apply to a person in lawful possession of dangerous wildlife before July 1, 2010. A person in possession of dangerous wildlife has the burden of proving the person lawfully possessed the dangerous wildlife before July 1, 2010. A person who lawfully possessed dangerous wildlife before July 1, 2010 may retain possession of that dangerous wildlife for the remainder of the animal's life but only if the person complies with all of the following requirements:

1. Maintains complete and accurate veterinary records for the dangerous wildlife, including immunization records.
2. Maintains all documents and records establishing that the person possessed the animal before July 1, 2010.
3. Presents the documentary evidence to a game ranger, wildlife manager or peace officer on request.
4. Notifies the department within two days after any bite or injury the animal causes to any person that requires medical attention.

C. A game ranger, wildlife manager or peace officer may seize dangerous wildlife in any of the following circumstances:

1. The seizing officer has probable cause to believe that the animal was acquired on or after July 1, 2010 in violation of this section.
2. The wildlife poses a risk to public safety or health.
3. The wildlife is in poor health and condition as a result of the possession.
4. The wildlife is held in violation of this section.

D. If dangerous wildlife is seized pursuant to this section, the owner is responsible for:

1. The reasonable costs of caring and providing for the wildlife during the seizure.
2. Establishing any right to recover the wildlife. A person may reclaim dangerous wildlife that has been seized under this section only by establishing that the possession complies with the conditions and requirements of this chapter.

E. If dangerous wildlife that is seized pursuant to this section is not returned to the person originally in possession, the game ranger, wildlife manager or peace officer may release the wildlife to an institution or entity listed under subsection F of this section. If the game ranger, wildlife manager or peace officer cannot relocate the wildlife within a reasonable period of time, as determined by the game ranger, wildlife manager or peace officer, the wildlife may be euthanized.

F. This section does not apply to wildlife in the lawful possession of:

1. Institutions accredited or certified by a national association of zoos and aquariums or a facility with a current signed memorandum of participation with an association of zoos and aquariums species survival plan.
2. Incorporated nonprofit animal protection organizations, such as humane societies and shelters, housing an animal at the written request of the department or acting under the authority of this chapter.
3. Local animal control authorities acting under the authority of this chapter.
4. Veterinary hospitals or clinics.
5. A research facility as defined by the animal welfare act of 1970 (7 United States Code section 2131) for the species of animals for which they are registered, including universities, colleges and laboratories holding a valid class R license under the animal welfare act.
6. Circuses, defined as incorporated class C licensees under the animal welfare act of 1970 (7 United States Code section 2131), that are temporarily in this state and that offer performances by live animals, clowns and acrobats for public entertainment.
7. A person temporarily transporting and displaying dangerous wildlife through this state if the transit time is not more than seven days and the animal is maintained at all times within a confinement sufficient to prevent the animal from escaping.
8. A nonprofit organization operating a wildlife sanctuary that cares for animals, including dangerous wildlife and where:
 - (a) No activity is conducted that is not in the animal's natural habitat or inherent to the animal's nature or natural conduct.
 - (b) No commercial activity involving an animal occurs including:
 - (i) The sale or trade in animals, animal parts, animal byproducts or animal offspring.
 - (ii) The sale of photographic opportunities involving an animal.
 - (iii) The use of an animal for any type of entertainment.
 - (c) No animal breeding occurs in the facility.
- G. In addition to seizure of the dangerous wildlife, a person who violates this section is guilty of a class 2 misdemeanor.
- H. A city, town or county may adopt an ordinance governing dangerous wildlife that is more restrictive than this section, but a city, town or county is not required to adopt any ordinance to comply with this section.
- I. Nothing in this section affects the authority of the commission under section 17-306.
- J. The commission may adopt rules in compliance with this section.
- K. For the purposes of this section, "dangerous wildlife" means the following animals and all hybrids, whether bred in the wild or in captivity:
 1. All species of the genus didelphis. Common name: American opossums.
 2. All species of the order insectivora. Common names include: Insectivores, shrews, hedgehogs, tenrecs, solenodonts and moles.
 3. All species of the order chiroptera. Common name: bats.
 4. All species of the family pongidae of the order primates. Common names include: orangutans, chimpanzees and gorillas.
 5. All species of the order xenarthra. Common names include: edentates; or sloths, anteaters and armadillos.
 6. All species of the order lagomorpha, except the genus oryctolagus. Common names include: pikas, rabbits and hares. Dangerous wildlife does not include genus oryctolagus, containing domestic rabbits.
 7. All species of the following families of the order Rodentia. Common name: rodents:
 - (a) The family sciuridae. Common names: squirrels, chipmunks, marmots, woodchucks and

prairie dogs.

(b) The family geomyidae. Common name: pocket gophers.

(c) The family castoridae. Common name: beavers.

(d) The family erethizontidae. Common name: New World porcupines.

(e) The family capromyidae. Common names include: hutias, coypus and nutrias.

8. All species of the order carnivora. Common names include: carnivores, skunks, raccoons, bears, foxes and weasels.

9. All species of the following families of the order artiodactyla. Common name: even-toed ungulates:

(a) The family tayassuidae. Common name: peccary (javelina).

(b) The family cervidae. Common names include: Cervid or deer, elk, moose and red deer.

(c) The family antilocapridae. Common name: pronghorn (antelope).

(d) The family bovidae. Common names include: bison (buffalo), duiker, antelope, gazelles, goats and sheep, except that the following are not restricted:

(i) The genus bubalus. Common name: Water buffalo.

(ii) The genus bison. Common name: Bison, American bison or buffalo.

10. The following species within the family phasianidae. Common names: partridges, grouse, turkeys, quail and pheasants:

(a) Callipepla gambelii. Common name: Gambel's quail.

(b) Callipepla squamata. Common name: Scaled quail.

(c) Colinus virginianus. Common name: Northern bobwhite. Restricted as provided by rule.

(d) Cyrtonyx montezumae. Common name: Montezuma, harlequin or Mearn's quail.

(e) Dendragapus obscurus. Common name: Blue grouse.

11. The species rhynchopsitta pachyrhyncha. Common name: thick-billed parrot.

12. All species of the order crocodylia. Common names include: gavial, caiman, crocodile and alligator.

13. The following species of the order testudines. Common names include: turtle and tortoise:

(a) All species of the family chelydridae. Common name: snapping turtles.

(b) All species of the genus gopherus. Common name: gopher tortoise, including the desert tortoise.

14. All species of the following families or genera of the order Squamata:

(a) The family helodermatidae. Common names include: Gila monster and Mexican beaded lizard.

(b) The family elapidae. Common names include: Cobra, mamba, coral snake, krait and Australian elapid.

(c) The family hydrophiidae. Common name: Sea snake.

(d) The family viperidae. Common names include: True viper and pit viper including rattlesnake.

(e) The family atractaspidae. Common name: Burrowing asp.

(f) The following species and genera of the family colubridae:

(i) Dispholidus typus. Common name: Boomsnake.

(ii) Thelotornis kirtlandii. Common names include: Bird snake and twig snake.

(iii) Rhabdophis. Common name: Keelback.

(iv) Boiga irregularis. Common name: Brown tree snake.

15. The following species within the order anura, common names frog and toad:

(a) All species of the genus xenopus. Common name: Clawed frog.

(b) The species bufo horribilis, bufo marinus, bufo paracnemis. Common names include:

Giant or marine toad.

- (c) All species of the genus rana. Common names include: Leopard frog and bullfrog, except bullfrogs possessed under section 17-102 are not included.**
16. Arctic grayling, the species *thymallus arctius*.
 17. Bass, all species of the family serranidae.
 18. Bighead carp, the species *aristichthys nobilis*.
 19. Black carp, the species *mylopharyngodon piceus*.
 20. Bony tongue, the species *arapaima gigas*.
 21. Bowfin, the species *amia calva*.
 22. Catfish, all species of the family ictaluridae.
 23. Crucian carp, the species *carassius carassius*.
 24. Electric catfish, the species *malapterurus electricus*.
 25. Electric eel, the species *electrophorus electricus*.
 26. European whitefish or ide, the species *leuciscus idus* and *idus idus*.
 27. Freshwater drum, the species *aplodinotus grunniens*.
 28. Freshwater stingrays, all species of the family potamotrygonidae.
 29. Gars, all species of the family lepisosteidae.
 30. Goldeye, mooneye and all species of the family hiodontidae.
 31. Herring, all species of the family clupeidae.
 32. Indian carp, all of the species *catla catla*, *cirrhina mrigala* and *labeo rohita*.
 33. Lampreys, all species of the family petromyzontidae.
 34. Nile perch, all species of the genus *lates* and *luciolates*.
 35. Pike or pickerels, all species of the family esocidae.
 36. Pike topminnow, the species *belonesox belizanus*.
 37. Piranha, all species of the genera *serrasalmus*, *serrasalmo*, *phygocentrus*, *teddyella*, *rooseveltiella* and *pygopristis*.
 38. Rudd, the species *scardinius erythrophthalmus*.
 39. Shad, all species of the family clupeidae except threadfin shad, species *dorosoma petenense*.
 40. Sharks, all species, both marine and freshwater, of the orders hexanchiformes, heterodontiformes, squaliformes, pristiphoriformes, squatiniformes, orectolobiformes, lamniformes, and carcharhiniformes, except for all species of the families hemiscilliidae, orectolobidae, brachaeluridae, and triakidae; genera of the family scyliorhinidae, including *aulohalaerlurus*, *halaerlurus*, *haploblepharus*, *poroderma*, and *scyliorhinus*; and genera of the family parascylliidae, including *cirroscyllum* and *parascyllum*.
 41. Silver carp, the species *hypophthalmichthys molitrix*.
 42. Snakehead, all species of the family channidae.
 43. South american parasitic catfish, all species of the family trichomycteridae and cetopsidae.
 44. Sunfish, all species of the family centrarchidae.
 45. Temperate basses of the family moronidae.
 46. Tetras, all species of the genus *astyanax*.
 47. Tiger fish, the species *hoplias malabaricus*.
 48. Trout, all species of the family salmonidae.
 49. White amur or grass carp, the species *ctenopharyngodon idella*, unless possessed pursuant to a stocking license issued pursuant to section 17-333.
 50. Walking or airbreathing catfish, all species of the family clariidae.
 51. Walleye and pike perches, all species of the family percida.

- 52. Asiatic mitten crab, the species *erichocheir sinensis*.
- 53. Australian crayfish and all freshwater species within the families *astacidae*, *cambaridae* and *parastacidae*.
- 54. Asian clam, the species *corbicula fluminea*.
- 55. New zealand mud snail, the species *potamopyrgus antipodarum*.
- 56. Quagga mussel, the species *dressena bugensis*.
- 57. Rosy wolfsnail, the species *euglandina rosea*.
- 58. Zebra mussel, the species *dreissena polymorpha*.

Sec. 3. Finding; purpose

- A. The legislature finds that personal possession of dangerous wildlife as pets poses a threat to public health and safety and the health of the wildlife population in this state.
- B. The purpose of this act is to protect the public health and safety and the health of the wildlife population in this state from dangerous wildlife held as pets.