

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H4/3/03 H4/8/03

A Bill

HOUSE BILL 2857

5 By: Representative Jackson
6
7

For An Act To Be Entitled

9 AN ACT TO REGULATE THE OWNERSHIP AND POSSESSION
10 OF CERTAIN LARGE CARNIVORES; TO PROHIBIT THE
11 OWNERSHIP AND POSSESSION OF CERTAIN LARGE
12 CARNIVORES; TO IMPOSE FEES; TO PRESCRIBE THE
13 POWERS AND DUTIES OF MUNICIPAL AND COUNTY
14 GOVERNMENTS; AND FOR OTHER PURPOSES.

Subtitle

16 TO REGULATE THE OWNERSHIP AND POSSESSION
17 OF CERTAIN LARGE CARNIVORES AND TO
18 PROHIBIT THE OWNERSHIP AND POSSESSION OF
19 CERTAIN LARGE CARNIVORES.
20
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22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Definitions.

26 As used in this act:

27 (1) "Large carnivore" means any live individual of those species of
28 animals that are inherently dangerous to humans, including, but are not
29 limited to:

30 (A) Tigers;

31 (B) Lions;

32 (C) Cougars;

33 (D) Leopards;

34 (E) Ocelots;

35 (F) Servals;

36 (G) All bears;



1 (H) Bobcats;
2 (I) Lynx;
3 (J) Cheetahs;
4 (K) Jaguars; and
5 (L) Any hybrids of the animals listed in subdivisions (1)(A)
6 through (K) of this section;

7 (2) "Possessor" means a person who owns, keeps, or has custody or
8 control of a large carnivore; and

9 (3) "Wildlife sanctuary" means:

10 (A) A nonprofit organization under § 501(c)(3) of the Internal
11 Revenue Code that operates a place of refuge where abused, neglected,
12 unwanted, impounded, abandoned, orphaned or displaced large carnivores are
13 provided care for their lifetime; and

14 (B) Does not mean a place that:

15 (i) Conducts any activity that is not inherent to the
16 animal's nature;

17 (ii) Uses the animal for any type of entertainment;

18 (iii) Sells, trades, or barter the animal or the animal's
19 body parts; or

20 (4) Breeds the animal for purposes of sale.

21
22 SECTION 2. Prohibited acts.

23 (a) Except as permitted under this act, it is unlawful for a person
24 to:

25 (1) Own or possess a large carnivore;

26 (2) Breed a large carnivore; or

27 (3) Transfer ownership or possession of, or receive a transfer
28 of ownership or possession of a large carnivore, with or without
29 remuneration.

30 (b) Except under this act, it is prohibited for a possessor in control
31 of any property, residence, or business premises to knowingly permit any
32 other person to be in possession of a large carnivore upon the property,
33 residence, or premises.

34
35 SECTION 3. Exemptions.

36 This act does not apply to:

1 (1) Institutions accredited by the American Zoo and Aquarium
2 Association;

3 (2) Registered nonprofit humane societies;

4 (3) Animal control officers or law enforcement officers acting under
5 the authority of this act;

6 (4) Veterinary hospitals or clinics;

7 (5) Wildlife sanctuaries;

8 (6) Employees of the Arkansas Game and Fish Commission in the
9 performance of their duties; or

10 (7) Those persons holding a valid Arkansas Game and Fish Commission
11 scientific collection permit applicable to a large carnivore.

12
13 SECTION 4. Permit for personal possession.

14 (a) A person may possess a large carnivore only if:

15 (1) The person was in possession of the large carnivore and was
16 the legal possessor of the large carnivore on or before the effective date of
17 this act; and

18 (2) The person applies for and is granted a permit for personal
19 possession for each large carnivore in the person's possession not more than
20 ninety (90) days after the effective date of this act.

21 (b)(1) A person under subsection (a) of this section shall annually
22 obtain a permit for personal possession.

23 (2) After the effective date of this act, a new large carnivore
24 shall not be brought into possession under the authority of a permit for
25 personal possession.

26 (c)(1) An applicant shall file an application to receive a permit for
27 personal possession with the county sheriff's department of the county where
28 the animal is kept on forms provided by the department.

29 (2) The application shall include:

30 (A) The name, address, and telephone number of the
31 applicant;

32 (B) A description of each large carnivore, including the
33 scientific classification, name, sex, age, color, weight, and distinguishing
34 marks or coloration that would aid in the identification of the animal;

35 (C) A photograph of the large carnivore;

36 (D) The location where the animal is kept; and

1 (E) The name, address, and telephone number of the person
2 from whom the applicant obtained the large carnivore, if known.

3 (3) The application shall be signed by the veterinarian who is
4 expected to provide veterinary care to the large carnivore and shall have the
5 veterinarian's name, address, telephone number.

6 (d) The county sheriff's department shall not grant a permit unless:

7 (1) An annual permit fee of two hundred fifty dollars (\$250) for
8 each animal accompanies the application;

9 (2) The applicant is eighteen (18) years of age or older;

10 (3) The applicant has not been found guilty or nolo contendere,
11 or pled guilty to any animal cruelty violations in the past ten (10) years or
12 to a felony for possession, sale, or use of illegal narcotics in the past ten
13 (10) years;

14 (4) The facility and the conditions in which the large carnivore
15 is kept comply with this act; and

16 (5) The applicant has obtained the liability insurance coverage
17 for the large carnivore as required under this act.

18 (e)(1) The county sheriff's department shall keep records of who is
19 issued a valid permit for personal possession of a large carnivore.

20 (2) A permit holder must notify the county sheriff's department
21 of any changes of the permit holder's information, including the death of the
22 large carnivore.

23 (f)(1) In addition to the other requirements for issuance of a permit
24 for personal possession, the large carnivore shall be spayed or neutered
25 before a permit is issued to the possessor unless a veterinarian confirms
26 that spaying and neutering would endanger the animal.

27 (2) A record of the large carnivore being spayed or neutered by
28 a veterinarian is to be kept on file.

29 (g) All fees levied and collected for permits of personal possession
30 under this section shall be deposited into the county treasury to be used by
31 the county sheriff's department to offset the cost of issuing permits of
32 personal possession, for any costs involved in controlling large carnivores
33 located within the county, and for any other animal control costs.

34
35 SECTION 5. Caging requirements.

36 (a)(1) The possessor of a large carnivore is required to maintain the

1 animal in a cage that meets the requirements recommended by the American Zoo
2 and Aquarium Association for each species of large carnivore.

3 (2) Failure to provide the caging required by this section will
4 result in the cancellation of the permit for personal possession.

5 (b) Deviations from these requirements may be approved by the county
6 sheriff of the county where the animal is kept upon showing of good cause.

7
8 SECTION 6. Insurance - Signs - and Notification.

9 (a)(1) A possessor of a large carnivore shall maintain liability
10 insurance coverage in an amount of not less than one hundred thousand dollars
11 (\$100,000) for each occurrence for liability damages for destruction of or
12 damage to property and for death or bodily injury to a person caused by the
13 large carnivore.

14 (2) The possessor of a large carnivore shall provide a copy of
15 the policy for liability insurance to the county sheriff's department on an
16 annual basis to obtain or renew a permit.

17 (b)(1) The possessor of a large carnivore shall post and display a
18 sign at each possible entrance onto the premises where a large carnivore is
19 kept.

20 (2) The sign shall be clearly legible, and easily readable by
21 the public.

22 (3) The sign shall warn that there is a large carnivore on the
23 premises.

24
25 SECTION 7. Inspection.

26 The possessor of a large carnivore shall allow an official of the
27 county sheriff's department, an animal control officer, or a law enforcement
28 officer of the municipality or county where the animal is kept to enter the
29 premises to ensure compliance with this act.

30
31 SECTION 8. Public contact - Warnings of escape.

32 (a) The possessor shall not bring a large carnivore to any commercial
33 or retail establishment unless the possessor is bringing the animal to the
34 veterinarian clinic.

35 (b)(1) If a large carnivore escapes or is released, the possessor of
36 the large carnivore shall immediately contact the Arkansas Game and Fish

1 Commission and law enforcement officials of the city or county where the
2 possessor resides to report the escape or release.

3 (2) The possessor is liable for all expenses associated with
4 efforts to recapture the animal.

5
6 SECTION 9. Confiscation.

7 (a) A large carnivore may be immediately confiscated by the county
8 sheriff's department if:

9 (1) The possessor does not have a permit for personal
10 possession;

11 (2) The possessor does not secure the liability insurance
12 coverage required under this act;

13 (3) Conditions under which the large carnivore is kept are
14 directly or indirectly dangerous to human health and safety; or

15 (4) The caging requirements of Section 5 are not met.

16 (b)(1) If a large carnivore is confiscated, the possessor shall be
17 liable for the costs of placement and care for the large carnivore from the
18 time of confiscation until the time the animal has been relocated to an
19 alternative facility.

20 (2) The county sheriff's department shall seek to place the
21 confiscated animal with a wildlife sanctuary, humane society, or an
22 institution accredited by the American Zoo and Aquarium Association.

23
24 SECTION 10. Penalties.

25 A person who is in violation of the prohibitions of Section 2. of this
26 act is guilty of a Class A misdemeanor.

27
28 SECTION 11. Rules and regulations.

29 The county sheriff's department of each county is authorized to collect
30 the fees for the permits for personal possession required under this act and
31 is authorized to adopt rules and regulations to implement and enforce this
32 act.

33
34 /s/ Jackson