

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 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 2681

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
21
22

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

25 SECTION 1. Arkansas Code Title 20, Chapter 19, is amended to add an
26 additional subchapter to read as follows:

27 20-19-501. Definitions.

28 As used in this subchapter:

29 (1) "Large carnivore" means any live individual of those species of
30 animals that are inherently dangerous to humans, including:

31 (A) Tigers;

32 (B) Lions; and

33 (G) All bears.

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

36 (3)(A) "Wildlife sanctuary" means a nonprofit organization under §



1 501(c)(3) of the Internal Revenue Code as it existed that operates a place of
 2 refuge where abused, neglected, unwanted, impounded, abandoned, orphaned or
 3 displaced large carnivores are provided care for their lifetime; and

4 (B) "Wild life" sanctuary does not mean a place that:

5 (i) Conducts any activity that is not inherent to the
 6 large carnivor's nature;

7 (ii) Uses the large carnivore for any type of
 8 entertainment;

9 (iii) Sells, trades, or barter the large carnivore or the
 10 large carnivore's body parts; or

11 (iv) Breeds the large carnivore for purposes of sale.

12
 13 20-19-502. Prohibited acts.

14 (a) Except as permitted under this subchapter, it is unlawful for a
 15 person to:

16 (1) Own or possess a large carnivore;

17 (2) Breed a large carnivore; or

18 (3) Transfer ownership or possession of, or receive a transfer
 19 of ownership or possession of a large carnivore, with or without
 20 remuneration.

21 (b) Except as permitted under this subchapter, it is unlawful for a
 22 person or other entity in control of any property, residence, or business
 23 premises to knowingly permit any other person to be in possession of a large
 24 carnivore upon the property, residence, or business premises.

25
 26 20-19-503. Exemptions.

27 This subchapter does not apply to:

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

30 (2) Registered nonprofit humane societies;

31 (3) Animal control officers or law enforcement officers acting
 32 under the authority of this subchapter;

33 (4) Veterinary hospitals or clinics;

34 (5) Wildlife sanctuaries;

35 (6) Employees of the Arkansas State Game and Fish Commission in
 36 the performance of their duties; or

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

3
 4 20-19-504. Permit for personal possession.

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

6 (1) The person was in possession of the large carnivore and was
 7 the legal possessor of the large carnivore on or before the effective date of
 8 this subchapter; and

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

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

14 (2) After the effective date of this subchapter, any additional
 15 large carnivore shall not be brought into possession under the authority of a
 16 permit for personal possession.

17 (c)(1) An applicant shall file an application to receive a permit for
 18 personal possession with the county sheriff's department of the county where
 19 the large carnivore is kept on forms provided by the sheriff's department.

20 (2) The application shall include:

21 (A) The name, address, and telephone number of the
 22 applicant;

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

26 (C) A photograph of the large carnivore;

27 (D) The location where the large carnivore is kept; and

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

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

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

34 (1) An annual permit fee of two hundred fifty dollars (\$250) for
 35 each large carnivore accompanies the application;

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

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

5 (4) The facility and the conditions in which the large carnivore
 6 is kept comply with this subchapter; and

7 (5) The applicant has obtained the liability insurance coverage
 8 for the large carnivore as required under this subchapter.

9 (e)(1) The county sheriff's department shall keep records of persons
 10 issued a valid permit for personal possession of a large carnivore.

11 (2) A permit holder shall notify the county sheriff's department
 12 of any changes of the permit holder's information, including the death of the
 13 large carnivore.

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

18 (2) A record of the large carnivore being spayed or neutered by
 19 a veterinarian is to be kept on file by the permit holder.

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

25
 26 20-19-505. Caging requirements.

27 (a)(1) The possessor of a large carnivore is required to maintain the
 28 large carnivore in a cage that meets the requirements recommended by the
 29 American Zoo and Aquarium Association as in existence on January 1, 2055 for
 30 each species of large carnivore.

31 (2) Failure to provide the caging required by this section shall
 32 result in the cancellation of the permit for personal possession.

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

36

1 20-19-506. Insurance - Signs - Notification.

2 (a)(1) A possessor of a large carnivore shall maintain liability
3 insurance coverage in an amount of not less than one hundred thousand dollars
4 (\$100,000) for each occurrence for liability damages for destruction of or
5 damage to property and for death or bodily injury to a person caused by the
6 large carnivore.

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

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

13 (2) The sign shall be clearly legible and easily readable by the
14 public.

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

17
18 20-19-507. Inspection.

19 The possessor of a large carnivore shall allow an official of the
20 county sheriff's department, an animal control officer, or a law enforcement
21 officer of the municipality or county where the animal is kept to enter the
22 premises to ensure compliance with this subchapter.

23
24 20-19-508. Public contact - Warnings of escape.

25 (a) The possessor of a large carnivore shall not bring a large
26 carnivore to any commercial or retail establishment unless the possessor is
27 bringing the large carnivore to a veterinarian clinic.

28 (b)(1) If a large carnivore escapes or is released, the possessor of
29 the large carnivore shall immediately contact the Arkansas State Game and
30 Fish Commission and law enforcement officials of the city or county where the
31 possessor resides to report the escape or release.

32 (2) The possessor is liable for all expenses associated with
33 efforts to recapture the large carnivore.

34
35 20-19-509. Confiscation.

36 (a) A large carnivore may be immediately confiscated by a county

1 sheriff's department if:

2 (1) The possessor does not have a permit for personal
3 possession;

4 (2) The possessor does not have the liability insurance coverage
5 required under this subchapter;

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

8 (4) The caging requirements of § 20-19-505 are not met.

9 (b)(1) If a large carnivore is confiscated, the possessor shall be
10 liable for the costs of placement and care for the large carnivore from the
11 time of confiscation until the time the large carnivore has been relocated to
12 an alternative facility.

13 (2) The county sheriff's department shall seek to place the
14 confiscated large carnivore with a wildlife sanctuary, humane society, or an
15 institution accredited by the American Zoo and Aquarium Association.

16
17 20-19-510. Penalties.

18 A person who is in violation of the prohibitions of § 20-19-502 is
19 guilty of a Class A misdemeanor.

20
21 20-19-511. Rules and regulations.

22 The county sheriff's department of each county may collect the fees for
23 the permits for personal possession required under this subchapter and the
24 Arkansas Game and Fish Commission may adopt rules and regulations to
25 implement and enforce this act.