

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

As Engrossed: H3/29/05 S4/6/05

# 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.  
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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.

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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) A person or organization with a U.S. Department of  
35 Agriculture Wildlife Exhibition permit;

36 (6) Employees of the Arkansas State Game and Fish Commission in

1 the performance of their duties;

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

4 (8) Persons or organizations with and Arkansas Game and Fish  
5 Commission Wildlife Breeder/Dealer permit.

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7 20-19-504. Permit for personal possession.

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

9 (1) The person was in possession of the large carnivore and was  
10 the legal possessor of the large carnivore on or before the effective date of  
11 this subchapter; and

12 (2) The person applies for and is granted a permit for personal  
13 possession for each large carnivore in the person's possession not more than  
14 one hundred and eighty (180) days after the effective date of this  
15 subchapter.

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

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

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

24 (2) The application shall include:

25 (A) The name, address, and telephone number of the  
26 applicant;

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

30 (C) A photograph of the large carnivore;

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

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

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

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

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

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

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

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

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

13 (e)(1) The county sheriff's department shall keep records of persons  
14 issued a valid permit for personal possession of a large carnivore and  
15 provide the copies of the records to the Arkansas Game and Fish Commission  
16 when each permit is issued.

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

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

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

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

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32 20-19-505. Caging requirements.

33 (a)(1) The possessor of a large carnivore is required to maintain the  
34 large carnivore in a cage that meets the requirements recommended by the U.S.  
35 Department of Agriculture or the American Zoo and Aquarium Association as in  
36 existence on January 1, 2005, for each species of large carnivore.

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

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

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7           20-19-506. Insurance - Signs - Notification.

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

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

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

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

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

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24           20-19-507. Inspection.

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

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31           20-19-508. Public contact - Warnings of escape.

32           (a) The possessor of a large carnivore shall not bring a large  
33 carnivore to any commercial or retail establishment unless the possessor is  
34 bringing the large carnivore to a 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 State Game and

1 Fish 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 large carnivore.

5 (c) Persons or organization with a U.S. Department of Agriculture  
6 Wildlife Exhibition permit may take the large carnivores to schools and other  
7 exhibitions for educational or fundraising purposes.

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9 20-19-509. Confiscation.

10 (a) A large carnivore may be immediately confiscated by a county  
11 sheriff's department if:

12 (1) The possessor does not have a permit for personal  
13 possession;

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

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

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

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

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

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27 20-19-510. Penalties.

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

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31 20-19-511. Rules and regulations.

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

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