

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2404

By: Hutchison of the House

and

Weedn of the Senate

AS INTRODUCED

An Act relating to game and fish; amending 29 O.S.

1991, Section 4-107, as last amended by Section 1, Chapter 151, O.S.L. 1994 (29 O.S. Supp. 1995, Section 4-107), which relates to commercial breeders licenses; defining certain type of animals; prohibiting possession of certain animals; modifying license requirements; prohibiting the possession or sale of certain wildlife deemed potentially dangerous to humans; listing wildlife potentially dangerous to humans; permitting certain entities to possess or sale such wildlife; listing exempted entities; allowing certain persons to transport animals under certain conditions; requiring certain animals to be disposed of within certain time period; requiring certain animals to be sterilized and computer tagged; providing for notification to Department of Wildlife Conservation; allowing certain inspection by the Department; allowing certain animals to be sold; providing penalty for violation of the act;

providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 29 O.S. 1991, Section 4-107, as last amended by Section 1, Chapter 151, O.S.L. 1994 (29 O.S. Supp. 1995, Section 4-107), is amended to read as follows:

Section 4-107. A. Except as otherwise provided for in this title, no person may breed, possess or raise native wildlife, except fish, amphibians, aquatic reptiles or aquatic invertebrates, for commercial purposes without having first procured a license for such from the Director. For purposes of this section, aquatic reptiles shall not include any reptile listed in Section 2 of this act.

B. No person licensed under this section may ~~sell cats specified in subsection D of this section or bears to any person who does not possess a commercial wildlife breeder's license or noncommercial wildlife breeder's license~~ possess any bear or cat that will grow to reach the weight of fifty (50) pounds or more except as provided in Section 2 of this act.

C. Such license may be issued to any person whom the Director believes to be acting in good faith, and whom he believes does not intend to use such license for the purpose of violating any of the laws of the State of Oklahoma, and who proves that the brood stock he uses will be obtained in a lawful manner.

D. Without exception, any person ~~shall be licensed under this section~~ who keeps or maintains on premises any bear or cat that will grow to reach the weight of fifty (50) pounds or more or any animal listed in Section 2 of this act shall be licensed under this section and shall at all times keep such wildlife confined, controlled and

restrained in such manner so the life, limb or property of any person lawfully entering such premises shall not be endangered.

E. The fees for a license under this section, and all renewals of such license, shall be Forty-eight Dollars (\$48.00).

F. Any person convicted of violating the provisions of this section shall be punished by a fine of not less than One Hundred Dollars (\$100.00); and, if applicable, shall have his wildlife license revoked. No such person whose license has been revoked shall be eligible to obtain a new license until after the date on which the revoked license would have expired.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-414 of Title 29, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided by law, no person shall buy, sell, expose for sale, barter, trade, own or possess any wildlife deemed potentially dangerous to humans, including but not limited to the following:

1. Mammals:

- a. primates, including but not limited to gorillas, orangutans, chimpanzees, gibbons, siamangs, mandrills, drills, baboons or Gelda baboons,
- b. carnivores:
 - (1) jackals, hyenas and wolves (purebred), includes all species,
 - (2) bears, includes all species, and
 - (3) lions, tigers, leopards, jaguars, cheetahs, cougars and lynx, including all species of each, and any hybrids of each that can grow to fifty pounds or larger,
- c. order Proboscidea - elephants, includes all species,
- d. order Perissodactyla - rhinoceroses, includes all species, and

- e. order Artiodactyla - hippopotamuses or African buffalo; and

2. Reptiles:

- a. order Crocodylia - crocodiles and alligators, includes all species, and
- b. order Serpentes - includes all poisonous snakes not indigenous to the state.

B. Only the following persons or entities shall be permitted to buy, sell, expose for sale, barter, trade, own or possess the wildlife listed in subsection A of this section:

- 1. Institutions of higher learning accredited by the Oklahoma State Regents for Higher Education;
- 2. Medical research facilities licensed by the state;
- 3. Recognized and established circuses that travel at least seven (7) months of each year, as determined by the Wildlife Commission;
- 4. Established city, county, state or federal zoos; and
- 5. Private enterprises open to the public which has a minimum of five thousand (5,000) visitors to the permanent facilities of the enterprise annually.

C. Any person with a valid import/export permit, if so required, shall be allowed to transport any species of wildlife listed in subsection A of this section through the state.

D. Any person in legal possession of any species of wildlife listed in subsection A of this section prior to the effective date of this act shall have six (6) months from the effective date of this act to dispose of the animal or animals to an out-of-state dealer or any entity listed in subsection B of this section or to notify the Department of Wildlife Conservation that they intend to retain possession of the animal or animals. To legally retain possession, each animal shall be sterilized and computer tagged. The person wishing to retain possession of an animal shall present

proof to the Department that each animal has been sterilized and a computer tag has been placed in each animal by a licensed veterinarian which will allow individual identification of the animal. Employees of the Department shall have the authority to inspect the facilities and animals in the possession of the person for compliance with the requirements of this subsection. Any animal tagged pursuant to this subsection may be sold only to an out-of-state dealer or entity listed in subsection B of this section. Only those animals in the legal possession of persons on the effective date of this act may be retained and tagged.

E. Any person convicted of violating any provision of this section shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00), nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment not to exceed sixty (60) days, or by both fine and imprisonment.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-2-8645

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