



2007 ASSEMBLY BILL 342

May 21, 2007 - Introduced by Representative ALBERS. Referred to Committee on Natural Resources.

1 **AN ACT to amend** 169.04 (4) (b) (intro.), 169.31 (title) and 169.36 (9) (b); and **to**
2 **create** 169.01 (25r), 169.04 (4m), 169.31 (5) and 169.45 (2m) of the statutes;
3 **relating to:** possession of certain nonnative wild animals of the family felidae
4 and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, with some exceptions, a person must have a license issued by the Department of Natural Resources (DNR) to possess or exhibit a native captive wild animal. As for captive wild animals that are not found in North America, no license is required for species except for certain wild birds and nonnative bears.

This bill requires that any nonnative "large cat" must be registered with DNR by the person who owns or otherwise possesses the cat (owner) unless the person is in possession of the cat for not more than 24 hours. The large cats that are covered by the bill are lions, tigers, leopards, jaguars, pumas, and cheetahs. The bill also prohibits an owner of such a cat to charge a fee for photographing or filming the animal. The bill specifies the information that must be provided at the time of registration and includes such items as the name and address of the person from whom the large cat was acquired and whether, to the best of registrant's knowledge, the cat has caused any physical injury to any individual. The owner must also provide DNR information when the owner no longer possesses the large cat, including the conditions under which the owner ceased to have possession, such as sale of the cat, or the fact that the cat has died or escaped. The bill requires DNR to maintain an electronic database that includes the information provided by the owner

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and to provide the information concerning each large cat to the county in which the cat is located. Finally, the bill requires the Department of Commerce to promulgate rules establishing minimum standards for enclosures in which these large cats are kept.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 169.01 (25r) of the statutes is created to read:

2 169.01 (25r) “Physical injury” means lacerations, fractured bones, internal
3 injuries, severe bruising, great bodily harm as defined in s. 939.22 (14), or death.

4 **SECTION 2.** 169.04 (4) (b) (intro.) of the statutes is amended to read:

5 169.04 (4) (b) (intro.) ~~A~~ Subject to sub. (4m), a person is exempt from holding
6 a license or other approval as required under this chapter to possess live nonnative
7 wild animals that are not endangered or threatened species, except for any of the
8 following:

9 **SECTION 3.** 169.04 (4m) of the statutes is created to read:

10 169.04 (4m) NONNATIVE WILD ANIMALS OF THE FAMILY FELIDAE. (a) A person shall
11 register with the department each nonnative wild animal that the person possesses
12 that is not designated as a harmful wild animal under s. 169.11 (1) (a) or under the
13 rules promulgated under that paragraph and that is one of the following or a hybrid
14 of one or more of the following:

15 1. A lion.

16 2. A tiger.

17 3. A leopard.

18 4. A snow leopard.

19 5. A clouded leopard.

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1 6. A jaguar.

2 7. A cheetah.

3 8. A puma.

4 (b) No person may charge a fee for photographing or filming a nonnative wild
5 animal subject to par. (a).

6 (c) Paragraph (a) does not apply to nonnative wild animals temporarily
7 possessed for a period not to exceed 24 hours for any of the purposes described under
8 sub. (2) (a) 1. to 3.

9 (d) A person who possesses a nonnative wild animal subject to par. (a) shall
10 register the nonnative wild animal and shall provide all of the following information
11 to the department for each nonnative wild animal:

12 1. The registrant's complete legal name and any trade name under which the
13 registrant possesses the nonnative wild animal.

14 2. The registrant's address and telephone number.

15 3. The address and legal description of the location at which the registrant
16 possesses the nonnative wild animal.

17 4. The species of the nonnative wild animal.

18 5. The date of birth of the nonnative wild animal, or the approximate date of
19 birth if the date of birth is unknown.

20 6. The date that the registrant took possession of the nonnative wild animal.

21 7. The name, address, and telephone number of the person from who in the
22 registrant purchased or acquired the nonnative wild animal. If the registrant did not
23 purchase or acquire the nonnative wild animal from another person, the manner in
24 which the registrant took possession of the nonnative wild animal.

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1 8. To the best of the registrant's knowledge, a detailed description of the extent
2 of any physical injury caused by the nonnative wild animal to any individual at any
3 time during or prior to the registrant possessing the nonnative wild animal, and the
4 circumstances surrounding such injury.

5 9. Any additional information that is required by the department by rule.

6 (e) A person shall submit the registration under par. (d) and the required fee
7 under s. 169.31 (5) to the department in the following manner:

8 1. Except as provided in subd. 2. or 3., no later than 60 days after the person
9 purchases or acquires the nonnative wild animal.

10 2. Except as provided in subd. 3., no later than 120 days after the birth of the
11 nonnative wild animal if the person possessed it at the time of its birth.

12 3. No later than the first day of the 24th month beginning after the effective
13 date of this subsection [revisor inserts date], if the nonnative wild animal was
14 possessed by the person on the effective date of this subsection [revisor inserts
15 date], and has remained in the person's possession since that date.

16 (f) A person shall notify the department when the person no longer possesses
17 a nonnative wild animal subject to par. (a). The notification shall include the
18 following information:

19 1. The date the person ceased to possess the nonnative wild animal.

20 2. The name, address, and telephone number of any person to whom the
21 nonnative wild animal, was sold or transferred.

22 3. Whether the nonnative wild animal died, escaped, disappeared, was killed,
23 or was sold or transferred.

24 4. If the nonnative wild animal died or was killed, the manner of disposal of the
25 carcass.

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1 5. Any additional information that is required by the department by rule.

2 (g) The person shall submit the notification required under par. (f) to the
3 department in the following manner:

4 1. Except as provided in subd. 2., no later than 60 days after the date the person
5 ceases to possess the nonnative wild animal.

6 2. If the nonnative wild animal escaped or disappeared, no later than 24 hours
7 after the person learns of the escape or disappearance.

8 (h) A person shall update or supplement the information the person is required
9 to provide to the department under pars. (d) and (f) as soon as practicable after the
10 information changes or new information becomes known to the person.

11 (i) The department shall establish and maintain an electronic database which
12 includes the information provided to the department under pars. (d), (f), and (h). The
13 department shall make the database available to the public on its Internet site but
14 shall not include the telephone number of any person provided under par. (d) 2. or
15 (f) 2. The department may also exclude additional information by rule.

16 (j) The department shall provide any information submitted by a person under
17 pars. (d), (f), and (h) to the county clerk of the county in which the nonnative wild
18 animal is possessed within 30 days after receipt of the information by the
19 department, except that the department shall provide the information received
20 under par. (g) 2. as soon as reasonably possible. The county clerk of each county shall
21 disseminate this information in a time and manner established by the county to the
22 county sheriff and to county agencies relating to public health, animal control,
23 emergency management, conservation, and zoning.

24 (k) The department of commerce shall promulgate rules establishing minimum
25 standards for the construction and inspection of the enclosures in which a nonnative

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1 wild animal subject to par. (a) are kept for the purpose of protecting the nonnative
2 wild animal, the public, and wildlife.

3 **SECTION 4.** 169.31 (title) of the statutes is amended to read:

4 **169.31 (title) License and, tag, and registration fees.**

5 **SECTION 5.** 169.31 (5) of the statutes is created to read:

6 169.31 (5) NONNATIVE WILD ANIMAL REGISTRATION FEE. The department shall
7 promulgate a rule establishing a fee for the registration of nonnative wild animals
8 under s. 169.04 (4m) (d) in an amount estimated to equal the department's cost of
9 processing registrations, and establishing and maintaining the electronic database
10 under s. 169.04 (4m) (i), and otherwise administering s. 169.09 (4m).

11 **SECTION 6.** 169.36 (9) (b) of the statutes is amended to read:

12 169.36 (9) (b) In addition to the requirements under par. (a), the person holding
13 a license subject to this section shall provide a copy of the record required under this
14 section to the department on a quarterly basis, as determined by the department, if
15 the transaction or activity involved any live wild animal of the family canidae,
16 ursidae, mustelidae, or felidae, or any harmful wild animal. This paragraph does not
17 apply to nonnative wild animals that are subject to registration under s. 169.04 (4m).

18 **SECTION 7.** 169.45 (2m) of the statutes is created to read:

19 169.45 (2m) POSSESSION. Subsection (2) and s. 93.61 (1) do not apply to a
20 nonnative wild animal possessed in violation of s. 169.04 (4m).

21 **SECTION 8. Effective date.**

22 (1) This act takes effect on the first day of the 24th month beginning after
23 publication.

24

(END)