2007 ASSEMBLY BILL 342

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

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

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

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

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

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

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

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

1. A lion.

2. A tiger.

3. A leopard.

4. A snow leopard.

5. A clouded leopard.
6. A jaguar.

7. A cheetah.

8. A puma.

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

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

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

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

2. The registrant’s address and telephone number.

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

4. The species of the nonnative wild animal.

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

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

7. The name, address, and telephone number of the person from who in the registrant purchased or acquired the nonnative wild animal. If the registrant did not purchase or acquire the nonnative wild animal from another person, the manner in which the registrant took possession of the nonnative wild animal.
8. To the best of the registrant’s knowledge, a detailed description of the extent of any physical injury caused by the nonnative wild animal to any individual at any time during or prior to the registrant possessing the nonnative wild animal, and the circumstances surrounding such injury.

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

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

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

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

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

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

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

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

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

4. If the nonnative wild animal died or was killed, the manner of disposal of the carcass.
5. Any additional information that is required by the department by rule.

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

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

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

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

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

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

(k) The department of commerce shall promulgate rules establishing minimum standards for the construction and inspection of the enclosures in which a nonnative
wild animal subject to par. (a) are kept for the purpose of protecting the nonnative
d wild animal, the public, and wildlife.

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

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

SECTION 4. 169.31 (5) of the statutes is created to read:

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

SECTION 5. 169.36 (9) (b) of the statutes is amended to read:

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

SECTION 6. 169.45 (2m) of the statutes is created to read:

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

SECTION 7. Effective date.

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