

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2375

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 17-101, Arizona Revised Statutes, is amended to
3 read:

4 17-101. Definitions

5 A. In this title, unless the context otherwise requires:

6 1. "Angling" means the taking of fish by one line and not to exceed
7 two hooks, by one line and one artificial lure, which may have attached more
8 than one hook, or by one line and not to exceed two artificial flies or
9 lures.

10 2. "Bag limit" means the maximum limit, in number or amount, of
11 wildlife which may lawfully be taken by any one person during a specified
12 period of time.

13 3. "Closed season" means the time during which wildlife may not be
14 lawfully taken.

15 4. "Commission" means the Arizona game and fish commission.

16 5. "Department" means the Arizona game and fish department.

17 6. "Device" means any net, trap, snare, salt lick, scaffold, deadfall,
18 pit, explosive, poison or stupefying substance, crossbow, firearm, bow and
19 arrow, or other implement used for taking wildlife. Device does not include
20 a raptor or any equipment used in the sport of falconry.

21 7. "Falconry" means the sport of hunting or taking quarry with a
22 trained raptor.

23 8. "Fishing" means to lure, attract or pursue aquatic wildlife in such
24 a manner that the wildlife may be captured or killed.

25 9. "Fur dealer" means any person engaged in the business of buying for
26 resale the raw pelts or furs of wild mammals.

27 10. "Guide" means a person who, for pay, aids or assists any person in
28 taking wildlife.

1 11. "License year" means the twelve-month period between January 1 and
2 December 31, inclusive.

3 12. "Nonresident" means a citizen of the United States or an alien who
4 has not been a bona fide resident of the state of Arizona for six months
5 immediately preceding the date of application for a license.

6 13. "Open season" means the time during which wildlife may be lawfully
7 taken.

8 14. "Possession limit" means the maximum limit, in number or amount of
9 wildlife, which may be possessed at one time by any one person.

10 15. "Resident" means a person who has been a bona fide resident of the
11 state of Arizona for six months immediately preceding the date of application
12 for a license, or a member of the armed forces who has been stationed in
13 Arizona for a period of thirty days immediately preceding the date of
14 application for a license.

15 16. "Road" means any maintained right-of-way for public conveyance.

16 17. "Statewide" means all lands except those areas lying within the
17 boundaries of state and federal refuges, parks and monuments, unless
18 specifically provided differently by commission order.

19 18. "Take" means pursuing, shooting, hunting, fishing, trapping,
20 killing, capturing, snaring or netting wildlife or the placing or using of
21 any net or other device or trap in a manner that may result in the capturing
22 or killing of wildlife.

23 19. "Taxidermist" means any person who engages for hire in the
24 mounting, refurbishing, maintaining, restoring or preserving of any display
25 specimen.

26 20. "Traps" or "trapping" means taking wildlife in any manner except
27 with a gun or other implement in hand.

28 21. "Wild" means, in reference to mammals and birds, those species
29 which are normally found in a state of nature.

30 22. "Wildlife" means all wild mammals, wild birds and the nests or eggs
31 thereof, reptiles, amphibians, mollusks, crustaceans, and fish, including
32 their eggs or spawn.

33 23. "Zoo" means a commercial facility open to the public where the
34 principal business is holding wildlife in captivity for exhibition purposes.

35 B. The following definitions of wildlife shall apply:

36 1. Aquatic wildlife are all fish, amphibians, mollusks, crustaceans
37 and soft-shelled turtles.

1 2. Game mammals are deer, elk, bear, pronghorn (antelope), bighorn
2 sheep, bison (buffalo), peccary (javelina), mountain lion, tree squirrel and
3 cottontail rabbit.

4 3. Big game are wild turkey, deer, elk, pronghorn (antelope), bighorn
5 sheep, bison (buffalo), peccary (javelina), bear and mountain lion.

6 4. "Trophy" means:

7 (a) A mule deer buck with at least four points on one antler, not
8 including the eye-guard point.

9 (b) A whitetail deer buck with at least three points on one antler,
10 not including the eye-guard point.

11 (c) A bull elk with at least six points on one antler, including the
12 eye-guard point and the brow tine point.

13 (d) A pronghorn (antelope) buck with at least one horn exceeding or
14 equal to fourteen inches in total length.

15 (e) Any bighorn sheep.

16 (f) Any bison (buffalo).

17 5. Small game are cottontail rabbits, tree squirrels, upland game
18 birds and migratory game birds.

19 6. Fur-bearing animals are muskrats, raccoons, otters, weasels,
20 bobcats, beavers, badgers and ringtail cats.

21 7. Predatory animals are foxes, skunks, coyotes and bobcats.

22 8. Nongame animals are all wildlife except game mammals, game birds,
23 fur-bearing animals, predatory animals and aquatic wildlife.

24 9. Upland game birds are quail, partridge, grouse and pheasants.

25 10. Migratory game birds are wild waterfowl, including ducks, geese and
26 swans; sandhill cranes; all coots, all gallinules, common snipe, wild doves
27 and bandtail pigeons.

28 11. Nongame birds are all birds except upland game birds and migratory
29 game birds.

30 12. Raptors are birds that are members of the order of falconiformes or
31 strigiformes and include falcons, hawks, owls, eagles and other birds that
32 the commission may classify as raptors.

33 13. Game fish are trout of all species, bass of all species, catfish of
34 all species, sunfish of all species, northern pike, walleye and yellow perch.

35 14. Nongame fish are all the species of fish except game fish.

36 15. Trout means all species of the family salmonidae, including
37 grayling.

1 16. "DANGEROUS WILDLIFE" MEANS WILDLIFE THAT POSES A RISK TO HUMAN
2 HEALTH AND SAFETY.

3 Sec. 2. Section 17-102, Arizona Revised Statutes, is amended to read:

4 17-102. Wildlife as state property; exceptions

5 Wildlife, both resident and migratory, native or introduced, found in
6 this state, except fish and bullfrogs impounded in private ponds or tanks or
7 wildlife and birds reared or held in captivity under permit or license from
8 the commission, are property of ~~the~~ THIS state and may be taken OR POSSESSED
9 at such times, in such places, in such manner and with such devices as
10 provided by law or rule of the commission.

11 Sec. 3. Section 17-306, Arizona Revised Statutes, is amended to read:

12 17-306. Importation, transportation, release or possession of
13 live wildlife

14 ~~No~~ A person shall NOT import or transport into ~~the~~ THIS state, ~~or~~ sell,
15 trade, TAKE or release within ~~the~~ THIS state or ~~have in his possession~~
16 POSSESS any live wildlife except as authorized by the commission, AS PROVIDED
17 BY SECTION 17-321 or as defined in title 3, chapter 16.

18 Sec. 4. Title 17, chapter 3, article 1, Arizona Revised Statutes, is
19 amended by adding section 17-321, to read:

20 17-321. Possession of live dangerous wildlife prohibited;
21 exceptions; violation; classification

22 A. THE FOLLOWING SPECIES ARE DANGEROUS WILDLIFE:

23 1. ALL SPECIES OF THE FAMILY PONGIDAE OF THE ORDER PRIMATES, COMMON
24 NAMES: GORILLAS, CHIMPANZEES AND ORANGUTANS.

25 2. ALL REPTILES OF THE ORDER CROCODILIA, COMMON NAMES: INCLUDING
26 GAVIAL, CAIMAN, CROCODILE AND ALLIGATOR.

27 3. ALL SNAKES OF THE FAMILY ELAPIDAE, COMMON NAMES: COBRA, MAMBA,
28 CORAL SNAKE, KRAIT AND AUSTRALIAN ELAPID.

29 4. ALL SNAKES OF THE FAMILY HYROPHIIDAE, COMMON NAME: SEA SNAKES.

30 5. ALL SNAKES OF THE FAMILY ATRACTASPIDIDAE, COMMON NAME: BURROWING
31 ASP.

32 6. ALL NONNATIVE MEMBERS OF THE FAMILY VIPERIDAE, COMMON NAMES: TRUE
33 VIPERS AND PIT VIPERS, INCLUDING NONNATIVE RATTLESNAKES.

34 7. THE BOOMSLANG (DISPHOLIDUS TYPUS).

35 8. ALL FISH OF THE GENERA SERRASALMUS, PYGOCENTRUS AND PYGOPRISTIS
36 (PIRANAHA).

1 9. ALL SPECIES OF THE GENERA MALAPTERURUS ELECTRICUS, COMMON NAME:
2 ELECTRIC CATFISH.

3 10. ALL SPECIES OF THE GENERA ELECTROPHOROUS ELECTRICUS, COMMON NAME:
4 ELECTRIC EEL.

5 11. ALL SPECIES OF THE ORDER CARNIVORA, COMMON NAME: CARNIVORES,
6 SKUNKS, RACCOONS AND WEASELS, EXCEPT DOMESTIC ANIMALS DEFINED IN COMMISSION
7 RULE.

8 12. ALL SPECIES OF THE ORDER PROBOSCIDEA, COMMON NAME: ELEPHANTS.

9 13. ALL SPECIES OF THE FAMILY HIPPOPOTAMIDAE, COMMON NAME:
10 HIPPOPOTAMUSES.

11 14. ALL SPECIES OF THE FAMILY RHINOCEROTIDAE, COMMON NAME:
12 RHINOCEROSES.

13 15. HYBRID WILDLIFE, AS DEFINED IN COMMISSION RULE, THAT IS THE
14 OFFSPRING OF AT LEAST ONE DANGEROUS WILDLIFE.

15 B. A PERSON SHALL NOT IMPORT OR TRANSPORT INTO THIS STATE, TRADE, TAKE
16 OR RELEASE IN THIS STATE OR POSSESS ANY LIVE DANGEROUS WILDLIFE EXCEPT AS
17 PROVIDED BY THIS SECTION OR AS AUTHORIZED BY THE COMMISSION.

18 C. THE COMMISSION, BY RULE, MAY SUPPLEMENT THE LIST OF DANGEROUS
19 WILDLIFE, AND THE DIRECTOR MAY BY INTERIM ORDER NOT TO EXCEED THREE HUNDRED
20 SIXTY-FIVE DAYS ADD NEW DANGEROUS WILDLIFE TO THE LIST PENDING COMMISSION
21 RULE.

22 D. A PERSON MAY IMPORT, POSSESS, TRANSPORT AND EXPORT LIVE DANGEROUS
23 WILDLIFE IF THE PERSON COMPLIES WITH ALL THE FOLLOWING:

24 1. THE TRANSPORTATION THROUGH THIS STATE TAKES NO LONGER THAN
25 SEVENTY-TWO CONSECUTIVE HOURS.

26 2. THE WILDLIFE DOES NOT COME IN CONTACT WITH THE PUBLIC AND IS NOT
27 PHOTOGRAPHED WITH THE PUBLIC PRESENT.

28 3. AT LEAST ONE QUALIFIED INDIVIDUAL IS CONTINUALLY PRESENT WITH, AND
29 ACCOUNTABLE FOR, THE WILDLIFE WHILE IN THIS STATE.

30 4. THE WILDLIFE IS NEITHER TRANSFERRED NOR SOLD IN THE STATE.

31 5. THE WILDLIFE IS ACCOMPANIED WITH EVIDENCE OF LAWFUL POSSESSION AS
32 DEFINED IN COMMISSION RULE.

33 6. THE CARCASSES OF ANIMALS THAT DIE IN TRANSPORT ARE DISPOSED OF IN
34 THIS STATE ONLY AS DIRECTED BY THE DEPARTMENT.

35 E. THIS SECTION DOES NOT APPLY TO DANGEROUS WILDLIFE IN THE LAWFUL
36 POSSESSION OF:

1 1. A LICENSED ZOO FACILITY CERTIFIED BY THE AMERICAN ZOO AND AQUARIUM
2 ASSOCIATION AND AUTHORIZED BY THE COMMISSION.

3 2. A GOVERNMENT AUTHORIZED FAIR OR CIRCUS THAT IS OPERATING IN
4 ACCORDANCE WITH COMMISSION RULE.

5 3. INCORPORATED NONPROFIT ANIMAL PROTECTION ORGANIZATIONS HOUSING
6 ANIMALS AS AUTHORIZED BY THE COMMISSION OR AT THE WRITTEN REQUEST OF THE
7 DEPARTMENT.

8 4. A LICENSED VETERINARIAN PROVIDING CARE FOR THE DANGEROUS WILDLIFE.

9 5. UNIVERSITIES AND COLLEGES ACTIVELY CONDUCTING RESEARCH INVOLVING
10 LIVE DANGEROUS WILDLIFE AS AUTHORIZED BY THE COMMISSION OR DEPARTMENT.

11 6. INDIVIDUALS OPERATING UNDER THE RULES OF A WILDLIFE SERVICE
12 LICENSE.

13 7. PERSONS AUTHORIZED TO HOLD WILDLIFE BY THE DEPARTMENT.

14 8. PERSONS POSSESSING DANGEROUS WILDLIFE UNDER A COMMISSION AUTHORIZED
15 SPECIAL LICENSE BEFORE THE EFFECTIVE DATE OF THIS SECTION.

16 F. PERSONS IN POSSESSION OF LIVE DANGEROUS WILDLIFE AS AUTHORIZED BY
17 THIS SECTION OR SECTION 17-306 SHALL:

18 1. NOTIFY THE DEPARTMENT WITHIN FORTY-EIGHT HOURS AFTER ANY DANGEROUS
19 WILDLIFE CAUSES AN INJURY THAT REQUIRES A PERSON TO OBTAIN MEDICAL ATTENTION,
20 AND THE FOLLOWING REQUIREMENTS APPLY:

21 (a) THE DEPARTMENT MAY ORDER THE OWNER OF THE WILDLIFE THAT CAUSED THE
22 INJURY TO SUBMIT THE WILDLIFE FOR EXAMINATION AND LABORATORY TESTING FOR THE
23 PRESENCE OF PATHOGENS.

24 (b) THE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL PRESCRIBE
25 EXAMINATIONS AND LABORATORY TESTING FOR THE PRESENCE OF PATHOGENS.

26 (c) THE OWNER SHALL HAVE THE WILDLIFE EXAMINED BY A STATE LICENSED
27 VETERINARIAN, WHO SHALL PERFORM ANY EXAMINATIONS OR LABORATORY TESTS AS
28 DIRECTED BY THE DEPARTMENT. THE LICENSED VETERINARIAN SHALL PROVIDE THE
29 LABORATORY RESULTS TO THE DIRECTOR OR THE DIRECTOR'S DESIGNEE WITHIN
30 TWENTY-FOUR HOURS AFTER RECEIVING THE RESULTS. THE DEPARTMENT SHALL NOTIFY
31 THE EXPOSED PERSON AND THE DEPARTMENT OF HEALTH SERVICES WITHIN TEN DAYS
32 AFTER RECEIVING NOTICE OF THE TEST RESULTS.

33 (d) THE OWNER OF THE WILDLIFE SHALL PAY ALL COSTS ASSOCIATED WITH THE
34 EXAMINATION, LABORATORY TESTING AND MAINTENANCE OF THE WILDLIFE.

35 (e) IF THE WILDLIFE TESTS POSITIVE FOR A ZOOBOTIC DISEASE THAT POSES A
36 SERIOUS HEALTH RISK TO HUMANS, OR IS INVOLVED IN MORE THAN ONE INCIDENT OF
37 CAUSING INJURY TO A PERSON, THE WILDLIFE SHALL BE MAINTAINED IN CAPTIVITY OR

1 DISPOSED OF AS DIRECTED IN WRITING BY THE DIRECTOR OR THE DIRECTOR'S
2 DESIGNEE.

3 2. MAINTAIN COMPLETE AND ACCURATE VETERINARY RECORDS FOR THE LIVE
4 DANGEROUS WILDLIFE IN POSSESSION FOR THE LIFE OF THE INDIVIDUAL ANIMAL,
5 INCLUDING IMMUNIZATION RECORDS, AND PROVIDE THESE RECORDS FOR INSPECTION ON
6 REQUEST BY A PEACE OFFICER.

7 3. MAINTAIN EVIDENCE OF LAWFUL POSSESSION AS DEFINED IN COMMISSION
8 RULE AND PROVIDE THESE RECORDS FOR INSPECTION ON REQUEST BY A PEACE OFFICER.

9 4. UNLESS OTHERWISE EXEMPTED BY THE COMMISSION OR DEPARTMENT, PROVIDE
10 NOTICE TO THE DEPARTMENT BY CERTIFIED MAIL AT LEAST THIRTY DAYS BEFORE
11 EXPORTING DANGEROUS LIVE WILDLIFE. THE NOTICE MUST IDENTIFY THE SPECIES,
12 NUMBER OF INDIVIDUALS, DESTINATION, RECEIVING ENTITY AND ANTICIPATED DATE OF
13 TRANSPORT.

14 G. A PEACE OFFICER MAY SEIZE, QUARANTINE OR HOLD LIVE WILDLIFE IN ANY
15 OF THE FOLLOWING CIRCUMSTANCES:

16 1. THE OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT THE WILDLIFE IS
17 UNLAWFULLY POSSESSED. THE OWNER MAY RECLAIM THE WILDLIFE BY ESTABLISHING
18 EVIDENCE OF LAWFUL POSSESSION WITHIN TEN CALENDAR DAYS.

19 2. THE WILDLIFE POSES AN IMMINENT RISK TO PUBLIC SAFETY OR HEALTH.

20 3. THE WILDLIFE APPEARS TO BE IN POOR HEALTH AND CONDITION AS A RESULT
21 OF THE POSSESSION.

22 H. IF LIVE WILDLIFE IS SEIZED, QUARANTINED OR HELD PURSUANT TO
23 SUBSECTION G OF THIS SECTION, THE OWNER IS RESPONSIBLE FOR THE COSTS OF
24 CARING AND PROVIDING FOR THE WILDLIFE DURING THE SEIZURE, QUARANTINE OR HOLD,
25 INCLUDING ANY NECESSARY VETERINARY CARE.

26 I. A PEACE OFFICER MAY DESTROY LIVE DANGEROUS WILDLIFE IN ANY OF THE
27 FOLLOWING CIRCUMSTANCES:

28 1. THE WILDLIFE POSES AN IMMINENT RISK TO PUBLIC OR OFFICER SAFETY OR
29 HEALTH.

30 2. THE WILDLIFE CANNOT BE SAFELY CONTAINED AND TRANSPORTED.

31 3. THE PERSON WHO WAS IN POSSESSION OF THE WILDLIFE IS INCAPABLE OF OR
32 UNWILLING TO PAY FOR QUARANTINE.

33 J. A PERSON WHO HAS SEIZED OR DESTROYED WILDLIFE UNDER THE AUTHORITY
34 PRESCRIBED IN THIS SECTION IS NOT RESPONSIBLE FOR REIMBURSING THE COST OF
35 WILDLIFE THAT IS HARMED, DESTROYED OR DIES WHILE IN POSSESSION.

36 K. THE DEPARTMENT SHALL DETERMINE THE FINAL DISPOSITION OF LIVE
37 DANGEROUS WILDLIFE THAT IS SEIZED, QUARANTINED, HELD OR DESTROYED PURSUANT TO

1 THIS SECTION AND NOT RETURNED TO THE PERSON ORIGINALLY IN POSSESSION. IF
2 LIVE WILDLIFE THAT IS SEIZED, QUARANTINED, HELD OR DESTROYED PURSUANT TO THIS
3 SECTION IS NOT RETURNED TO THE PERSON ORIGINALLY IN POSSESSION, THE
4 DEPARTMENT MAY RELEASE OR AUTHORIZE THE RELEASE OF THE WILDLIFE TO AN
5 AUTHORIZED LICENSEE.

6 L. THIS SECTION DOES NOT AFFECT THE AUTHORITY OF THE COMMISSION UNDER
7 SECTION 17-306 OR THE DEPARTMENT OF AGRICULTURE UNDER TITLE 3, CHAPTER 16.

8 M. IT IS UNLAWFUL FOR ANY PERSON TO VIOLATE THIS SECTION OR ANY RULE
9 ADOPTED PURSUANT TO THIS SECTION. A PERSON WHO VIOLATES THIS SECTION OR ANY
10 RULE ADOPTED PURSUANT TO THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR. A
11 PERSON WHO KNOWINGLY BARTERS, SELLS OR OFFERS FOR SALE ANY DANGEROUS LIVE
12 WILDLIFE, OR ASSISTS ANOTHER PERSON FOR MONETARY GAIN IN VIOLATING THIS
13 SECTION OR ANY RULE ADOPTED PURSUANT TO THIS SECTION, IS GUILTY OF A CLASS 6
14 FELONY.

15 Sec. 5. Finding; purpose

16 A. The legislature finds that personal possession of dangerous live
17 wildlife poses a threat to public health and safety.

18 B. The purpose of this act is to protect the public health and safety
19 from dangerous live wildlife."

20 Amend title to conform

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