

House Bill 1164

By: Representatives Miller of the 62nd, Smith of the 18th, LaHood of the 175th, Buckner of the 137th, Fleming of the 114th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia, relating to
2 criminal trespass and damage to property, so as to provide for the offense of criminal trespass
3 involving a wild animal; to provide for a definition; to provide for penalties; to provide for
4 an exception; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 7 of Title 16 of the Official Code of Georgia, relating to criminal
9 trespass and damage to property, is amended by adding a new Code section to read as
10 follows:

11 "16-7-21.1

12 (a) As used in this Code section, the term 'wild animal' means any land or sea animal
13 currently or historically found in the wild, other than a domestic animal or livestock,
14 including an animal kept, exhibited, or housed at any facility operating with the purpose
15 of public visitation, conservation, education, or science, including but not limited to a

16 zoological institution as defined in paragraph (87) of Code Section 48-8-3, and any animal
17 kept, exhibited, or housed in aquariums, safaris, or animal sanctuaries.

18 (b)(1) A person commits the offense of criminal trespass involving a wild animal in the
19 first degree if such person enters a cage, enclosure, or other area where a wild animal is
20 housed or otherwise contained, into which the person knows he or she has no legal
21 authority, license, or permission to enter, and harasses the wild animal or is attacked by
22 the wild animal, and such wild animal suffers an injury or death.

23 (2) A person commits the offense of criminal trespass involving a wild animal in the
24 second degree if such person enters a cage, enclosure, or other area where a wild animal
25 is housed or otherwise contained, into which the person knows he or she has no legal
26 authority, license, or permission to enter.

27 (c)(1) A person convicted of the offense of criminal trespass involving a wild animal in
28 the first degree shall be guilty of a felony and shall be punished by imprisonment for not
29 less than one nor more than ten years.

30 (2) A person convicted of the offense of criminal trespass involving a wild animal in the
31 second degree shall be guilty of a misdemeanor and punished by imprisonment for not
32 more than 12 months.

33 (d) In addition to any other fine, penalty, or restitution which may be imposed by law, such
34 person would be liable for the cost of any damage to, and loss of, property connected to the
35 criminal trespass, including, but not limited to, the injury or death of the wild animal. If
36 a minor commits the offense, the parents or legal guardian of the minor shall be liable if
37 it is shown that the parents or legal guardian of the minor recklessly or negligently allowed
38 such minor to commit the offense of criminal trespass involving a wild animal.

39 (e) It shall not be an affirmative defense to prosecution under this Code section that:

40 (1) Entry into the cage, enclosure, or other area where the wild animal was housed or
41 otherwise contained was not sufficiently guarded, locked, or otherwise made inaccessible
42 so as to prevent entry into the cage, enclosure, or other area;

43 (2) The wild animal was not provoked by any means other than the presence of the
44 person in the cage, enclosure, or other area; or

45 (3) Injury to the wild animal was necessary to protect the person from injury or death.

46 (f) Subsection (b) of this Code section shall not apply to a person who enters a cage,
47 enclosure, or other area for the purpose of aiding another person or a wild animal in the
48 cage, enclosure, or other area."

49 **SECTION 2.**

50 All laws and parts of laws in conflict with this Act are repealed.