

HOUSE BILL No. 1200

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2; IC 14-22-26.5; IC 35-52-14-27.5.

Synopsis: Exotic or dangerous wild animals. Prohibits the possession, sale, transfer, or breeding of exotic or dangerous wild animals, except by certain persons and entities. Prohibits a person that owns or possesses an exotic or dangerous wild animal from allowing a member of the public to come into direct contact with the exotic or dangerous wild animal. Prohibits the declawing or removal of the canine teeth of an exotic or dangerous wild animal unless necessary for treatment of a medical problem. Provides for the seizure, impoundment, and forfeiture of an exotic or dangerous wild animal for a violation of the law. Authorizes the owner of an exotic or dangerous wild animal to voluntarily relinquish ownership and possession of the exotic or dangerous wild animal. Allows an exotic or dangerous wild animal to be humanely destroyed by a law enforcement officer under certain circumstances. Establishes criminal penalties for violations of the law. Allows a city, town, county, or township to impose restrictions on the possession, sale, transfer, or breeding of an exotic or dangerous wild animal more stringent than the state restrictions.

Effective: Upon passage.

Abbott, Campbell

January 13, 2020, read first time and referred to Committee on Natural Resources.



Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1200

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-8-2-70.8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 70.8. "Direct contact", for purposes of**
4 **IC 14-22-26.5, has the meaning set forth in IC 14-22-26.5-1.**
5 SECTION 2. IC 14-8-2-87.2 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: **Sec. 87.2. "Exotic or dangerous wild animal",**
8 **for purposes of IC 14-22-26.5, has the meaning set forth in**
9 **IC 14-22-26.5-2.**
10 SECTION 3. IC 14-8-2-148, AS AMENDED BY P.L.40-2012,
11 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 UPON PASSAGE]: Sec. 148. (a) "Law enforcement officer", for
13 purposes of IC 14-22-40, has the meaning set forth in IC 14-22-40-5.
14 (b) **"Law enforcement officer", for purposes of IC 14-22-26.5,**
15 **has the meaning set forth in IC 14-22-26.5-3.**
16 SECTION 4. IC 14-8-2-320.2 IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS



1 [EFFECTIVE UPON PASSAGE]: **Sec. 320.2. "Wildlife sanctuary",**
 2 **for purposes of IC 14-22-26.5, has the meaning set forth in**
 3 **IC 14-22-26.5-4.**

4 SECTION 5. IC 14-22-26.5 IS ADDED TO THE INDIANA CODE
 5 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]:

7 **Chapter 26.5. Exotic or Dangerous Wild Animals**

8 **Sec. 1. (a) As used in this chapter, "direct contact" means:**

9 (1) **physical contact between the public and an exotic or**
 10 **dangerous wild animal; or**

11 (2) **proximity between the public and an exotic or dangerous**
 12 **wild animal creating the possibility of physical contact**
 13 **between the public and the exotic or dangerous wild animal.**

14 (b) **The term includes the taking of a photograph of an exotic or**
 15 **dangerous wild animal except where there is located between the**
 16 **photographer and the exotic or dangerous wild animal a**
 17 **permanent physical barrier designed to prevent physical contact**
 18 **between the public and the exotic or dangerous wild animal.**

19 (c) **The term does not include physical contact or proximity**
 20 **between an exotic or dangerous wild animal and:**

21 (1) **a trained member of the staff of the facility in which the**
 22 **exotic or dangerous wild animal is kept;**

23 (2) **the owner of the facility in which the exotic or dangerous**
 24 **wild animal is kept;**

25 (3) **a licensed veterinarian;**

26 (4) **a veterinary intern; or**

27 (5) **a veterinary student under the direct supervision of a**
 28 **licensed veterinarian.**

29 **Sec. 2. As used in this chapter, "exotic or dangerous wild**
 30 **animal" means a live animal that is any of the following:**

31 (1) **A primate, except for a human.**

32 (2) **An animal of the order Crocodylia, including crocodiles,**
 33 **alligators, caimans, and gharials.**

34 (3) **Any of the following:**

35 (A) **An animal from the following species of Felidae:**

36 (i) **Lions (*Panthera leo*).**

37 (ii) **Tigers (*Panthera tigris*).**

38 (iii) **Leopards (*Panthera pardus*).**

39 (iv) **Clouded leopards (*Neofelis nebulosa* and *Neofelis*
 40 ***diardi*).****

41 (v) **Snow leopards (*Panthera uncia*).**

42 (vi) **Jaguars (*Panthera onca*).**



- 1 (vii) Cheetahs (*Acinonyx jubatus*).
 2 (viii) Mountain lions (*Puma concolor*).
 3 (ix) Any hybrid of a species listed in items (i) through
 4 (viii).
 5 (B) A red wolf (*Canis rufus*).
 6 (C) A gray wolf (*Canis lupus*).
 7 (D) A bear (*Ursidae*).
 8 (E) A spotted hyena (*Crocuta crocuta*).
 9 (F) A striped hyena (*Hyaena hyaena*).

10 **Sec. 3.** As used in this chapter, "law enforcement officer" means
 11 any of the following:

- 12 (1) A police officer, sheriff, conservation officer, constable, or
 13 marshal.
 14 (2) A deputy of any law enforcement officer referred to in
 15 subdivision (1).
 16 (3) A prosecuting attorney, special prosecuting attorney, or
 17 special deputy.
 18 (4) An animal control officer.

19 **Sec. 4.** As used in this chapter, "wildlife sanctuary" means a
 20 nonprofit entity that:

- 21 (1) operates a place of refuge where abused, neglected,
 22 unwanted, impounded, abandoned, orphaned, or displaced
 23 animals are provided care for the lifetime of the animal;
 24 (2) is a corporation that is:
 25 (A) exempt from taxation under Section 501(a) of the
 26 Internal Revenue Code; and
 27 (B) described in Sections 501(c)(3) and 170(b)(1)(A)(vi) of
 28 the Internal Revenue Code;
 29 (3) does not conduct commercial activity with respect to exotic
 30 or dangerous wild animals, including the:
 31 (A) sale, trade, auction, lease, or loan of exotic or
 32 dangerous wild animals; or
 33 (B) use of exotic or dangerous wild animals in a for-profit
 34 business or operation;
 35 (4) does not allow direct contact between the public and an
 36 exotic or dangerous wild animal;
 37 (5) does not use an exotic or dangerous wild animal for
 38 entertainment purposes or in a traveling exhibit; and
 39 (6) does not breed exotic or dangerous wild animals.

40 **Sec. 5.** (a) Except as provided in subsections (b) through (d), a
 41 person may not possess, sell, transfer, or breed an exotic or
 42 dangerous wild animal.



- 1 **(b) Subsection (a) does not prohibit the following:**
2 **(1) The possession, sale, transfer, or breeding of an exotic or**
3 **dangerous wild animal by a research facility, as defined in 7**
4 **U.S.C. 2132(e).**
5 **(2) The possession, sale, transfer, or breeding of an exotic or**
6 **dangerous wild animal by a wildlife sanctuary.**
7 **(3) The possession of an exotic or dangerous wild animal by**
8 **an incorporated nonprofit animal protection organization,**
9 **including a humane society or animal shelter that acts as a**
10 **temporary holding facility of an exotic or dangerous wild**
11 **animal at the written request of a law enforcement officer.**
12 **(4) The possession of an exotic or dangerous wild animal by:**
13 **(A) a veterinary hospital, veterinary clinic, veterinary**
14 **practice, or veterinarian; or**
15 **(B) an individual employed by a veterinary hospital,**
16 **veterinary clinic, veterinary practice, or veterinarian;**
17 **for the purpose of providing veterinary care or veterinary**
18 **services to an exotic or dangerous wild animal.**
19 **(5) The possession of an exotic or dangerous wild animal by:**
20 **(A) a law enforcement officer;**
21 **(B) a conservation officer; or**
22 **(C) an agent or employee of the department;**
23 **while enforcing this chapter.**
24 **(6) The possession of a legally owned exotic or dangerous wild**
25 **animal by a person temporarily transporting the exotic or**
26 **dangerous wild animal through Indiana, if:**
27 **(A) the transit time through Indiana is planned to be not**
28 **more than twenty-four (24) hours;**
29 **(B) the exotic or dangerous wild animal is not exhibited in**
30 **Indiana; and**
31 **(C) the exotic or dangerous wild animal is maintained at all**
32 **times in a cage or travel container to prevent the escape of**
33 **the exotic or dangerous wild animal.**
34 **(c) Subsection (a) does not prohibit the possession, sale, transfer,**
35 **or breeding of an exotic or dangerous wild animal by a zoological**
36 **park or circus that:**
37 **(1) holds a valid United States Department of Agriculture**
38 **Class C exhibitors license issued by the United States**
39 **Department of Agriculture; and**
40 **(2) meets the following requirements:**
41 **(A) Does not employ a person who has been convicted of or**
42 **fined for an offense involving the abuse or neglect of an**



- 1 **animal.**
 2 **(B) Has not been cited by the United States Department of**
 3 **Agriculture in an inspection report for a:**
 4 **(i) no access violation: or**
 5 **(ii) violation for interfering with an inspection;**
 6 **within the previous three (3) years.**
 7 **(C) Maintains liability insurance in an amount of not less**
 8 **than two hundred fifty thousand dollars (\$250,000) for**
 9 **each occurrence of property damage, bodily injury, or**
 10 **death caused by an exotic or dangerous wild animal**
 11 **possessed by the zoological park or circus.**
 12 **(D) Has filed with the department a written plan for the**
 13 **quick and safe recapture or destruction of an exotic or**
 14 **dangerous wild animal in the event of the exotic or**
 15 **dangerous wild animal's escape, including written**
 16 **protocols for training staff on methods of safe recapture**
 17 **for the escaped exotic or dangerous wild animal.**
 18 **(E) Has filed with the department:**
 19 **(i) after July 1, 2020, an inventory of all exotic or**
 20 **dangerous wild animals in the possession and custody of**
 21 **the zoological park or circus; and**
 22 **(ii) for each calendar year after 2020, an annual report**
 23 **concerning all exotic or dangerous wild animals acquired**
 24 **and disposed of during the calendar year.**
 25 **(d) Subsection (a) does not prohibit the possession of an exotic**
 26 **or dangerous wild animal by a person who lawfully possessed the**
 27 **exotic or dangerous wild animal before July 1, 2020, and who**
 28 **meets the following requirements:**
 29 **(1) The person maintains veterinary records, acquisition**
 30 **papers, or other documents or records that establish that the**
 31 **person lawfully possessed the exotic or dangerous wild animal**
 32 **before July 1, 2020.**
 33 **(2) After June 30, 2020, the person does not acquire, purchase,**
 34 **or breed additional exotic or dangerous wild animals.**
 35 **(3) The person has not been convicted of an offense involving**
 36 **the abuse or neglect of an animal.**
 37 **(4) No license or permit authorizing the person to care for,**
 38 **possess, exhibit, breed, or sell animals has been revoked or**
 39 **suspended by any state, local, or federal governmental agency.**
 40 **(5) The person, not later than July 1, 2020, develops, files with**
 41 **the department, and is prepared to implement an escape,**
 42 **succession, and disaster plan concerning the person's exotic or**



1 **dangerous wild animals.**

2 **(6) Not later than September 1 of each year, the person:**

3 **(A) registers with, and pays a registration fee to, the**
 4 **department, indicating the number and species of each**
 5 **exotic or dangerous wild animal in the person's possession;**
 6 **and**

7 **(B) submits proof of liability insurance in an amount of not**
 8 **less than two hundred fifty thousand dollars (\$250,000), for**
 9 **each occurrence of property damage, bodily injury, or**
 10 **death caused by any exotic or dangerous wild animal**
 11 **possessed by the person.**

12 **(7) When selling or transferring an exotic or dangerous wild**
 13 **animal, the person:**

14 **(A) notifies the department about the sale or transfer at**
 15 **least seventy-two (72) hours before the sale or transfer**
 16 **occurs, identifying the recipient of the exotic or dangerous**
 17 **wild animal; and**

18 **(B) ensures that:**

19 **(i) the sale or transfer of the exotic or dangerous wild**
 20 **animal; and**

21 **(ii) the transportation of the exotic or dangerous wild**
 22 **animal to the purchaser or transferee;**

23 **complies with all applicable state, local, and federal laws.**

24 **Sec. 6. (a) Except as provided in subsection (b), a person that**
 25 **owns or possesses an exotic or dangerous wild animal may not**
 26 **allow a member of the public to come into direct contact with the**
 27 **exotic or dangerous wild animal, regardless of the age of the exotic**
 28 **or dangerous wild animal.**

29 **(b) A zoological park may keep squirrel monkeys, tamarins,**
 30 **marmosets, lemurs, owl monkeys, titi monkeys, saki monkeys, loris,**
 31 **potto, galago, tarsiers, and uakari in one (1) or more naturalistic**
 32 **enclosures without a permanent physical barrier separating the**
 33 **public from the primates to which this subsection applies if:**

34 **(1) a responsible, knowledgeable, and readily identifiable**
 35 **employee or attendant is present whenever members of the**
 36 **public are present in an enclosure to which this subsection**
 37 **applies; and**

38 **(2) one (1) or more signs that prohibit the public from**
 39 **touching or feeding the animals are displayed in each**
 40 **enclosure to which this subsection applies.**

41 **Sec. 7. Neither a person who owns or is custodian of an exotic or**
 42 **dangerous wild animal nor a veterinarian may:**



- 1 (1) declaw an exotic or dangerous wild animal; or
 2 (2) remove the canine teeth (fangs) of an exotic or dangerous
 3 wild animal;

4 unless a veterinarian determines that the declawing or the removal
 5 of the canine teeth is necessary for the treatment of a medical
 6 problem of the paws or teeth of the exotic or dangerous wild
 7 animal.

8 Sec. 8. (a) If a law enforcement officer believes that a violation
 9 of section 5(a), 6(a), or 7 of this chapter has occurred, the law
 10 enforcement officer shall submit an affidavit of the officer's belief
 11 to the circuit or superior court of the county in which the exotic or
 12 dangerous wild animal is located. If the circuit or superior court
 13 finds probable cause to believe that an exotic or dangerous wild
 14 animal is or has been possessed, sold, transferred, bred, kept,
 15 declawed, or defanged in violation of this chapter, the court shall
 16 issue a warrant.

17 (b) A warrant issued under subsection (a) shall be executed in
 18 the location of the exotic or dangerous wild animal. If the law
 19 enforcement officer executing the warrant determines that an
 20 exotic or dangerous wild animal is or has been possessed, sold,
 21 transferred, bred, kept, declawed, or defanged in violation of this
 22 chapter, the law enforcement officer shall:

- 23 (1) seize and impound the exotic or dangerous wild animal; or
 24 (2) cause the exotic or dangerous wild animal to be seized and
 25 impounded.

26 (c) An exotic or dangerous wild animal seized and impounded
 27 under subsection (b) must be:

- 28 (1) placed immediately in the custody and control of a:
 29 (A) wildlife sanctuary;
 30 (B) temporary holding facility; or
 31 (C) zoological park; or
 32 (2) if there is no immediate threat to public safety or animal
 33 welfare, kept in the place where the exotic or dangerous wild
 34 animal was located at the time of its seizure and
 35 impoundment.

36 Sec. 9. (a) After an exotic or dangerous wild animal is seized and
 37 impounded under section 8 of this chapter, the prosecuting
 38 attorney of the county shall petition the circuit or superior court of
 39 the county in which the exotic or dangerous wild animal was seized
 40 and impounded for a hearing to determine whether the exotic or
 41 dangerous wild animal was possessed, sold, transferred, bred, kept,
 42 declawed, or defanged in violation of this chapter. The hearing



1 must be held not more than ten (10) days after the date of the
2 seizure and impoundment.

3 (b) At least five (5) days before the hearing, the court shall
4 provide written notice of the hearing to the person from whom the
5 exotic or dangerous wild animal was seized and impounded.

6 (c) If the court finds that the person from whom the exotic or
7 dangerous wild animal was seized and impounded, or another
8 person, knowingly or intentionally possessed, sold, transferred,
9 bred, kept, declawed, or defanged the exotic or dangerous wild
10 animal in violation of this chapter:

11 (1) the exotic or dangerous wild animal shall be forfeited and
12 placed in a:

13 (A) zoological park or wildlife sanctuary under subsection
14 (d); or

15 (B) temporary holding facility;

16 (2) the court shall order the violator to pay all reasonable
17 expenses incurred in caring for the exotic or dangerous wild
18 animal from the time the exotic or dangerous wild animal was
19 seized under section 8 of this chapter until the time the exotic
20 or dangerous wild animal is forfeited and placed in a
21 zoological park, wildlife sanctuary, or temporary holding
22 facility under subdivision (1); and

23 (3) the court may issue an order prohibiting the person found
24 to have knowingly or intentionally possessed, sold,
25 transferred, bred, kept, declawed, or defanged the exotic or
26 dangerous wild animal in violation of this chapter from
27 possessing or owning another exotic or dangerous wild animal
28 or other nonnative wild animal.

29 (d) Except as provided in subsection (e), an exotic or dangerous
30 wild animal that has been forfeited under subsection (c)(1) must be
31 transferred to a zoological park or a wildlife sanctuary that is
32 willing and able to take custody of the exotic or dangerous wild
33 animal.

34 (e) This section does not prevent a court or law enforcement
35 officer from:

36 (1) humanely euthanizing; or

37 (2) authorizing the humane euthanization of;

38 an exotic or dangerous wild animal that has been forfeited under
39 subsection (c)(1) in compliance with state and federal law if, after
40 reasonable efforts, a zoological park or wildlife sanctuary that is
41 willing and able to provide long term care for the exotic or
42 dangerous wild animal has not been located.



1 **Sec. 10. (a) The owner of an exotic or dangerous wild animal**
 2 **may voluntarily relinquish ownership and possession of the exotic**
 3 **or dangerous wild animal to a person or facility that is:**

4 **(1) legally able to possess and own the exotic or dangerous**
 5 **wild animal; and**

6 **(2) willing and able to assume possession and ownership of the**
 7 **exotic or dangerous wild animal.**

8 **(b) A person's voluntary relinquishment of the ownership and**
 9 **possession of an exotic or dangerous wild animal under subsection**
 10 **(a) does not affect any criminal charge against the person for a**
 11 **violation of this chapter.**

12 **Sec. 11. (a) An exotic or dangerous wild animal may be**
 13 **humanely destroyed by a law enforcement officer if the exotic or**
 14 **dangerous wild animal is:**

15 **(1) not properly confined, whether the exotic or dangerous**
 16 **wild animal is present on the property of the owner or**
 17 **running at large; and**

18 **(2) threatening public safety.**

19 **(b) The owner of an exotic or dangerous wild animal that is**
 20 **humanely destroyed under subsection (a) is liable for costs**
 21 **incurred by the law enforcement officer in humanely destroying**
 22 **the exotic or dangerous wild animal.**

23 **Sec. 12. (a) This section applies to an offense committed after**
 24 **June 30, 2020.**

25 **(b) Except as provided in subsection (c), a person who**
 26 **knowingly or intentionally violates this chapter commits a Class A**
 27 **misdemeanor.**

28 **(c) The offense described in subsection (b) is a Level 6 felony if:**

29 **(1) the person's commission of the offense demonstrates a**
 30 **disregard for human life; and**

31 **(2) the offense is the proximate cause of the exotic or**
 32 **dangerous wild animal attacking and causing serious bodily**
 33 **injury or death to an individual.**

34 **Sec. 13. (a) For the purposes of IC 36-1-3-5(a)(1), an ordinance**
 35 **or resolution of a unit (as defined by IC 36-1-2-23) may not:**

36 **(1) exempt from the application of section 5(a) of this chapter**
 37 **a person not referred to in section 5(b) through 5(d) of this**
 38 **chapter; or**

39 **(2) subject to the application of section 5(a) of this chapter a**
 40 **person referred to in section 5(b) through 5(d) of this chapter;**
 41 **except as provided in subsection (b).**

42 **(b) A city, town, or county may adopt an ordinance or a**



1 township may adopt a resolution that:
2 (1) imposes restrictions on the possession, sale, transfer, or
3 breeding of an exotic or dangerous wild animal more
4 stringent restrictions than those imposed by this chapter; or
5 (2) establishes requirements concerning the possession, sale,
6 transfer, or breeding of an exotic or dangerous wild animal in
7 addition to the requirements established by this chapter.
8 **Sec. 14. The commission shall adopt rules under IC 4-22-2 to**
9 **administer this chapter, including rules setting the amount of the**
10 **registration fees to be paid under section 5(d)(6)(A) of this chapter.**
11 SECTION 6. IC 35-52-14-27.5 IS ADDED TO THE INDIANA
12 CODE AS A NEW SECTION TO READ AS FOLLOWS
13 [EFFECTIVE UPON PASSAGE]: **Sec. 27.5. IC 14-22-26.5-12 defines**
14 **crimes concerning exotic or dangerous wild animals.**
15 SECTION 7. **An emergency is declared for this act.**

