

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3604

By: Kerbs

4  
5  
6 AS INTRODUCED

7 An Act relating to wildlife; creating the Dangerous  
8 Wild Animals in Captivity Act; defining terms;  
9 prohibiting certain acts related to dangerous wild  
10 animals; providing exception; authorizing law  
11 enforcement officer to seize and impound certain  
12 dangerous wild animal; authorizing the court to order  
13 the animal forfeited under certain circumstances;  
14 allowing certain persons to voluntarily relinquish  
15 the animal; permitting return of the animal under  
16 certain circumstances; allowing a dangerous wild  
17 animal to be placed in custody of certain persons;  
18 authorizing euthanization under certain conditions;  
19 allowing petition to request certain security be  
20 posted; requiring service of process; requiring  
21 hearing prior to order for security; requiring  
22 certain refund; creating a misdemeanor; allowing  
23 adoption and enforcement of certain rules or laws;  
24 providing for codification; and providing an  
effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 7-851 of Title 29, unless there  
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Dangerous Wild  
Animals in Captivity Act".

1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 7-852 of Title 29, unless there  
3 is created a duplication in numbering, reads as follows:

4 As used in the Dangerous Wild Animals in Captivity Act:

5 1. "Animal control agency" means any entity of a political  
6 subdivision of this state authorized to enforce local ordinances and  
7 laws of this state relating to the control of animals;

8 2. "Dangerous wild animal" means any of the following live  
9 animals:

- 10 a. all species of bears held in captivity including  
11 captive-bred black bears and hybrids thereof,  
12 b. mountain lions held in captivity and hybrids thereof,  
13 and  
14 c. the following species from the family felidae, whether  
15 born in the wild or in captivity:  
16 (1) lions,  
17 (2) tigers,  
18 (3) leopards,  
19 (4) clouded leopards,  
20 (5) snow leopards,  
21 (6) jaguars, and  
22 (7) cheetahs;

23 3. "Direct contact" means physical contact or proximity where  
24 physical contact is possible, including, but not limited to,

1 allowing a photograph to be taken without a permanent physical  
2 barrier designed to prevent physical contact between the public and  
3 a dangerous wild animal; and

4 4. "Law enforcement officer" means:

- 5 a. a sheriff of a county police department or any deputy
- 6 of either,
- 7 b. a police officer of a city or town,
- 8 c. an officer of an animal control agency, or
- 9 d. a game warden or other agent or employee of the
- 10 Department of Wildlife Conservation.

11 SECTION 3. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 7-853 of Title 29, unless there  
13 is created a duplication in numbering, reads as follows:

14 A. Except as otherwise provided in subsections B and C of this  
15 section, it shall be unlawful for any person to:

16 1. Possess, sell, transfer or breed a dangerous wild animal;

17 and

18 2. Allow any member of the public to come into direct contact  
19 with a dangerous wild animal.

20 B. Subsection A of this section shall not apply to:

21 1. Research facilities, as defined in the Animal Welfare Act, 7  
22 U.S.C. 2132(e);

23 2. Duly incorporated nonprofit animal protection organizations,  
24 such as humane societies and shelters, temporarily housing a

1 dangerous wild animal at the written request of law enforcement  
2 officers, including any county sheriff, police officer or animal  
3 control agent;

4 3. Licensed veterinary hospitals for the purpose of providing  
5 treatment to a dangerous wild animal;

6 4. Law enforcement officers for purposes of enforcement of the  
7 Dangerous Wild Animals in Captivity Act;

8 5. Zoos accredited by the Association of Zoos and Aquariums;

9 6. A person temporarily transporting a legally owned dangerous  
10 wild animal through this state if the transit time is less than  
11 twenty-four (24) hours, the dangerous wild animal is not exhibited  
12 and the dangerous wild animal is maintained at all times in a  
13 species-appropriate cage or travel container; provided that  
14 transporters shall provide notice of the transport to local law  
15 enforcement officers at least seventy-two (72) hours prior to  
16 entering this state, identifying the number and type of dangerous  
17 wild animals that will be transported, in addition to obtaining any  
18 veterinary certificate or other permits required by state, local or  
19 federal law; and

20 7. Circuses that are incorporated and hold a Class C license  
21 under the Animal Welfare Act, 7 U.S.C. Section 2131, that are  
22 temporarily in this state and offer performances by live animals,  
23 clowns and acrobats for public entertainment.

24

1 C. Subsection A of this section shall not apply to a person who  
2 lawfully possessed a dangerous wild animal prior to November 1,  
3 2020, provided that:

4 1. The person shall maintain veterinary records, acquisition  
5 papers or other documents or records that the person or entity  
6 possessed the animal prior to November 1, 2020;

7 2. The person shall not acquire additional dangerous wild  
8 animals after the effective date of this law, whether by purchase,  
9 donation or breeding;

10 3. The person shall not have been convicted of an offense  
11 involving the abuse or neglect of any animal pursuant to any state,  
12 local or federal law;

13 4. The person shall not have had a license or permit regarding  
14 the care, possession, exhibition, breeding or sale of animals  
15 revoked or suspended by any state, local or federal agency;

16 5. The person shall develop and be prepared to implement  
17 escape, succession and disaster plans and maintain a current animal  
18 inventory, to be made available to law enforcement officers upon  
19 request;

20 6. The person shall have sufficient training to provide  
21 species-specific care to the dangerous wild animal or animals;

22 7. The person shall register with a local law enforcement by  
23 January 1, 2021, and annually thereafter, indicating the number of  
24 dangerous wild animals in his or her possession, and showing proof

1 of liability insurance in an amount of not less than Two Hundred  
2 Fifty Thousand Dollars (\$250,000.00) for each occurrence of property  
3 damage, bodily injury or death caused by any dangerous wild animal  
4 possessed by the person. The local law enforcement office may  
5 establish reasonable fees for application, issuance and renewal of a  
6 registration in order to recover the costs associated with the  
7 administration and enforcement of the Dangerous Wild Animals in  
8 Captivity Act; and

9 8. At least seventy-two (72) hours prior to the sale of an  
10 existing dangerous wild animal, such person shall notify local law  
11 enforcement officers identifying the recipient of the animal. At all  
12 times, possession, sale, transfer and transport of the dangerous  
13 wild animal shall conform with all applicable state, local and  
14 federal laws.

15 SECTION 4. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 7-854 of Title 29, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. A law enforcement officer may seize a dangerous wild animal  
19 if the officer has probable cause to believe that the person who  
20 owns or possesses the dangerous wild animal has violated any  
21 provision of Dangerous Wild Animals in Captivity Act.

22 B. A law enforcement officer may impound a dangerous wild  
23 animal seized pursuant to subsection A of this section on the  
24 property of the person who owns or possesses the animal until a

1 transfer and placement of the dangerous wild animal becomes  
2 possible.

3 SECTION 5. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 7-855 of Title 29, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. If a person from whom a dangerous wild animal is seized  
7 pursuant to Section 4 of this act is convicted of or pleads guilty  
8 to a violation of a provision of the Dangerous Wild Animals in  
9 Captivity Act, the court may order the animal forfeited by the  
10 person.

11 B. A person from whom a dangerous wild animal is seized  
12 pursuant to Section 4 of this act may voluntarily relinquish the  
13 animal. A person who voluntarily relinquishes a dangerous wild  
14 animal pursuant to this subsection remains subject to the imposition  
15 of any penalties for a violation of the Dangerous Wild Animals in  
16 Captivity Act.

17 C. A dangerous wild animal that is forfeited pursuant to  
18 subsection B of this section may be returned to the owner of the  
19 dangerous wild animal if the law enforcement officer determines  
20 that:

21 1. The owner has corrected each violation resulting in the  
22 forfeiture;

23 2. The return of the dangerous wild animal does not create a  
24 risk to public health or safety;

1           3. The dangerous wild animal was not forfeited because the  
2 owner pled guilty or was convicted of animal cruelty; and

3           4. The owner is in compliance with the provisions of the  
4 Dangerous Wild Animals in Captivity Act.

5           SECTION 6.           NEW LAW           A new section of law to be codified  
6 in the Oklahoma Statutes as Section 7-856 of Title 29, unless there  
7 is created a duplication in numbering, reads as follows:

8           A. A dangerous wild animal that is seized pursuant to Section 4  
9 of this act, or voluntarily relinquished or forfeited pursuant to  
10 Section 5 of this act, may be placed in the custody of a person or  
11 entity that is exempt pursuant to subsection C of Section 3 of this  
12 act; except such animal shall not be placed in the custody of a  
13 circus as described in paragraph 7 of subsection B of Section 3 of  
14 this act.

15           B. If the placement of a dangerous wild animal pursuant to  
16 subsection A of this section is not possible after reasonable  
17 efforts by a law enforcement officer to make such a placement, the  
18 animal may be humanely euthanized by a law enforcement officer in  
19 compliance with all applicable federal, state and local laws.

20           SECTION 7.           NEW LAW           A new section of law to be codified  
21 in the Oklahoma Statutes as Section 7-857 of Title 29, unless there  
22 is created a duplication in numbering, reads as follows:

23           A. An entity with whom a dangerous wild animal is placed  
24 pursuant to Section 6 of this act may file a petition in any court



1 of competent jurisdiction to request that the person from whom the  
2 animal was seized be ordered to post security adequate to ensure  
3 full payment of all reasonable costs incurred in caring for the  
4 animal during the pendency of any proceedings regarding the  
5 disposition of the dangerous wild animal.

6 B. A petitioner who files a petition pursuant to subsection A  
7 of this section shall serve a copy of the petition upon the person  
8 from whom the dangerous wild animal was seized and the law  
9 enforcement officer who seized the animal, if other than the  
10 petitioner.

11 C. The court shall set a hearing on any petition filed pursuant  
12 to subsection A of this section to be held within five (5) business  
13 days after service of the petition pursuant to subsection B of this  
14 section. At the hearing, the court may determine whether any  
15 additional interested parties shall be served with the petition. If  
16 the court determines that additional parties shall be served with  
17 the petition, the hearing shall be continued to provide time for the  
18 petitioner to serve the interested parties with the petition and for  
19 the interested parties to respond to the petition.

20 D. If a court orders the posting of security pursuant to a  
21 hearing on a petition, the court may require the entire amount of  
22 the security to be posted within five (5) business days after the  
23 issuance of the order or may allow the person from whom the  
24 dangerous wild animal was seized to make installment payments of the

1 total amount ordered. If the security is not paid as ordered by the  
2 court, the animal shall be forfeited and the law enforcement officer  
3 that seized the animal shall proceed pursuant to Section 6 of this  
4 act.

5 E. Upon resolution of the proceedings regarding the disposition  
6 of the dangerous wild animal that was seized, the person having  
7 custody of the animal shall refund to the person who posted the  
8 security any portion of the security remaining.

9 SECTION 8. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 7-858 of Title 29, unless there  
11 is created a duplication in numbering, reads as follows:

12 A person who violates any provision of the Dangerous Wild  
13 Animals in Captivity Act shall be guilty of a misdemeanor.

14 SECTION 9. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 7-859 of Title 29, unless there  
16 is created a duplication in numbering, reads as follows:

17 Nothing in the Dangerous Wild Animals in Captivity Act shall be  
18 construed to prohibit a municipality or county from adopting or  
19 enforcing any rule or law that places further restrictions or  
20 additional requirements on the possession, sale, transfer, breeding  
21 or exhibition of dangerous wild animals.

22 SECTION 10. This act shall become effective November 1, 2020.

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24 57-2-10245 AMM 01/13/20