

S T A T E O F N E W Y O R K

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I N A S S E M B L Y

March 1, 2012

Introduced by M. of A. GLICK, GUNTHER, JAFFEE, SAYWARD, DUPREY, M. MILLER, MONTESANO, REILLY -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, CROUCH, McDONOUGH, McENENY, McLAUGHLIN, MOYA, P. RIVERA, ROBINSON -- read once and referred to the Committee on Environmental Conservation -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law and the agriculture and markets law, in relation to prohibiting the sale, possession or transportation of feral pigs

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The environmental conservation law is amended by adding a
2 new section 11-0514 to read as follows:
3 S 11-0514. FERAL PIGS PROHIBITED.
4 1. IT SHALL BE UNLAWFUL FOR ANY PERSON, FIRM, PARTNERSHIP OR CORPORATION TO KNOWINGLY POSSESS, IMPORT, SELL, OFFER FOR SALE, DISTRIBUTE,
5 TRANSPORT OR OTHERWISE MARKET OR TRADE IN FERAL PIGS. FOR THE PURPOSE OF
6 THIS SECTION FERAL PIGS SHALL MEAN FERAL PIGS, FERAL HOGS, WILD BOAR,
7 WILD HOGS, RAZORBACKS, EURASIAN WILD BOAR, RUSSIAN WILD BOAR OR FERAL
8 SWINE (SUS SCROFA, BUT NOT INCLUDING SUS SCROFA DOMESTICUS).
9 2. ANY PERSON WHO OWNS A FERAL PIG AT THE TIME THAT THIS SECTION TAKES
10 EFFECT MAY RETAIN POSSESSION OF SUCH ANIMAL FOR THE REMINDER OF ITS LIFE
11 PROVIDED THAT SUCH PERSON:
12 (A) REGISTERS WITH THE DEPARTMENT WITHIN TWO MONTHS OF THE EFFECTIVE
13 DATE OF THIS SECTION.
14 (B) COMPLIES WITH ALL APPLICABLE FEDERAL, STATE, OR LOCAL LAWS,
15 INCLUDING ANY ORDINANCE, RULE OR REGULATIONS ESTABLISHED BY THE DEPARTMENT AS REQUISITES FOR OWNERSHIP OF SUCH FERAL PIG OR PIGS AND PROVIDES
16 THE FOLLOWING INFORMATION:
17 (I) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE PERSON WHO OWNS THE
18 FERAL PIGS, INCLUDING AN ACKNOWLEDGMENT THAT THE PERSON WHO OWNS THE
19 FERAL PIG OR PIGS IS TWENTY-ONE YEARS OF AGE OR OLDER.
20
21

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

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(II) THE ADDRESS OF THE LOCATION WHERE THE FERAL PIGS WILL BE KEPT, IF DIFFERENT FROM ABOVE.

(III) A DETAILED DESCRIPTION OF EACH FERAL PIG OWNED, INCLUDING SPECIES, GENDER, AGE, AND ANY IDENTIFYING CHARACTERISTICS, AND AN IDENTIFICATION TAG OR TATTOO IF REQUIRED BY THE DEPARTMENT, WITH PROOF, ACCEPTABLE TO THE DEPARTMENT, THAT EACH SUCH FERAL PIG WAS ACQUIRED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

(IV) AN ACKNOWLEDGMENT INDICATING THAT THE FERAL PIGS WILL NOT BE BRED.

(V) PROOF OF FACILITY SECURITY, SUFFICIENT TO THE DEPARTMENT, TO PREVENT THE ESCAPE OF FERAL PIGS.

3. THE DEPARTMENT SHALL ONLY BE REQUIRED TO ACCEPT REGISTRATION FROM THOSE PERSONS WHO COMPLY WITH THE PROVISIONS OF THIS SUBDIVISION AND WHO PROVIDE A REGISTRATION FEE OF THREE HUNDRED DOLLARS.

4. ANY PERSON IN POSSESSION OF A REGISTERED FERAL PIG SHALL NOT BREED, OR SELL, TRADE, BARTER OR EXCHANGE SUCH ANIMAL.

5. A PERSON OWNING A FERAL PIG THAT HAS NOT BEEN AUTHORIZED TO REGISTER SUCH FERAL PIG SHALL SURRENDER SUCH FERAL PIG TO THE DEPARTMENT OR AN AUTHORIZED AGENT THEREOF AT A LOCATION DESIGNATED BY THE DEPARTMENT FOR SUCH SURRENDER OR A POLICE OR PEACE OFFICER OF THIS STATE, A LOCAL ANIMAL CONTROL OFFICER, OR A DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, OR PROVIDE PROOF THAT THE ANIMAL HAS BEEN HUMANELY EUTHANIZED ACCORDING TO AMERICAN VETERINARY MEDICAL ASSOCIATION STANDARDS BY A LICENSED VETERINARIAN.

6. THE DEPARTMENT, ANY POLICE OR PEACE OFFICER OF THIS STATE, A LOCAL ANIMAL CONTROL OFFICER, OR A DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS IS HEREBY AUTHORIZED TO ENFORCE THE PROVISIONS OF THIS SECTION AND ISSUE NOTICES OF VIOLATION TO PERSONS IN VIOLATION OF THIS SECTION, AND SHALL HAVE THE AUTHORITY TO SEIZE ANY FERAL PIG OR PIGS HELD IN VIOLATION OF THIS SECTION. A COUNTY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS MUST OBTAIN A WARRANT BEFORE SEIZING A FERAL PIG OR PIGS OR ARRESTING A PERSON WHO OWNS A FERAL PIG OR PIGS UNDER THIS SECTION. FERAL PIGS SEIZED OR SURRENDERED PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL BE TRANSFERRED TO A DULY INCORPORATED WILDLIFE SANCTUARY AS DEFINED IN THIS SECTION, OR A ZOOLOGICAL FACILITY, OR SHALL BE HUMANELY EUTHANIZED. ANY COSTS ASSOCIATED WITH SEIZING, TRANSFERRING OR EUTHANIZING A FERAL PIG OR PIGS SHALL BE BORNE BY THE PERSON WHO OWNED, HARBORED OR POSSESSED THE ANIMAL. THE DEPARTMENT SHALL ALSO HAVE THE AUTHORITY TO SEEK INJUNCTIVE RELIEF IN ANY COURT OF APPROPRIATE JURISDICTION TO PREVENT CONTINUED VIOLATIONS OF THIS SECTION.

7. A VIOLATION OF THE PROVISIONS OF THIS SECTION IS PUNISHABLE BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS PER ANIMAL. ANY PERSON WHO KNOWINGLY BREEDS A FERAL PIG SHALL BE SUBJECT TO A PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS PER ANIMAL FOR THE FIRST OFFENSE AND SHALL RECEIVE A WARNING THAT ANY SUBSEQUENT OFFENSE OF THIS SECTION COULD RESULT IN LICENSE REVOCATION. EACH INSTANCE OF BREEDING, OWNING, HARBORING, SALE, BARTER, TRANSFER, EXCHANGE, OR IMPORT OF A FERAL PIG IN VIOLATION OF THIS SECTION SHALL CONSTITUTE A SEPARATE OFFENSE. UPON A SUBSEQUENT PENALTY AND AFTER A HEARING OR OPPORTUNITY TO BE HEARD UPON DUE NOTICE, ANY PERSON LICENSED PURSUANT TO SECTION 11-1903 OF THIS ARTICLE MAY HAVE SUCH LICENSE REVOKED.

8. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT ANY CITY, TOWN OR COUNTY FROM ENACTING MORE RESTRICTIVE PROVISIONS GOVERNING THE POSSESSION OF FERAL PIGS.

1 S 2. Paragraph b of subdivision 29 of section 11-0103 of the environ-
2 mental conservation law, as added by chapter 208 of the laws of 1999, is
3 amended to read as follows:

4 b. A captive bred North American big game mammal including: cougar,
5 wolf, bear, bison, big horn sheep, mountain goat, antelope, elk, musk
6 ox, mule deer, black tailed deer, caribou, [swine,] and a domestic game
7 animal as defined in paragraph b of subdivision four of this section,
8 provided, however, that nothing herein shall be deemed to expand, dimin-
9 ish, or alter the department's authority under existing statute or regu-
10 lation to regulate the taking of big game as defined in paragraph b of
11 subdivision two of this section or other protected wildlife as defined
12 in paragraph c of subdivision six of this section.

13 S 3. Subdivisions 8 and 9 of section 90-e of the agriculture and
14 markets law, as amended by chapter 91 of the laws of 1996, are amended
15 and a new subdivision 10 is added to read as follows:

16 8. ceased to operate the business for which the animal health permit
17 was issued; [or]

18 9. failed to comply with any of the provisions of this chapter or the
19 rules and regulations promulgated pursuant thereto[.]; OR

20 10. VIOLATED THE STATUTES OF THE STATE OF NEW YORK RELATED TO THE
21 POSSESSION OF SWINE, INCLUDING SECTION 11-0514 OF THE ENVIRONMENTAL
22 CONSERVATION LAW.

23 S 4. This act shall take effect on the one hundred twentieth day after
24 it shall have become a law. Effective immediately, the addition, amend-
25 ment and/or repeal of any rule or regulation necessary for the implemen-
26 tation of this act on its effective date is authorized to be made on or
27 before such date.