

Senate Bill 383

By: Senators Orrock of the 36th, Butler of the 55th, Williams of the 39th, Anderson of the 43rd, Jones of the 10th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 27 of the Official Code of Georgia Annotated, relating to wild
2 animals, so as to regulate the sale, distribution, and possession of ivory and rhinoceros horn;
3 to provide for definitions; to authorize the promulgation of rules and regulations; to provide
4 for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 5 of Title 27 of the Official Code of Georgia Annotated, relating to wild animals, is
8 amended by adding a new Code section to read as follows:

9 "27-5-13.

10 (a) As used in this Code section, the term:

11 (1) 'Ivory article' means any item containing worked or raw ivory from any species of
12 elephant or mammoth.

13 (2) 'Raw ivory' means any elephant or mammoth tusk, and any piece thereof, the surface
14 of which, polished, or unpolished, is unaltered or minimally carved.

15 (3) 'Rhinoceros horn' means the horn, or any piece thereof, of any species of rhinoceros.

16 (4) 'Worked ivory' means any elephant or mammoth tusk, and any piece thereof, which
17 is not raw ivory.

18 (b)(1) Except as otherwise provided in this subsection, it shall be unlawful for any
19 person to sell, offer for sale, purchase, trade, barter, or distribute an ivory article or
20 rhinoceros horn. Any person convicted of violating this paragraph shall be guilty of a
21 felony and shall be punished by imprisonment for not less than one nor more than five
22 years, a fine of not less than \$1,000.00 nor more than \$5,000.00, or both such fine and
23 imprisonment.

24 (2) The following activities shall not be deemed unlawful pursuant to this subsection:

25 (A) Possession of an ivory article or rhinoceros horn that is part of a bona fide antique
26 and is less than 20 percent by volume of such antique, where the antique status of such

27 antique is established by the owner or seller thereof with historical documentation
28 evidencing provenance and showing the antique to be not less than 100 years old;
29 (B) Distribution or change of possession of an ivory article or rhinoceros horn for bona
30 fide educational or scientific purposes, or to a museum;
31 (C) Distribution of an ivory article or rhinoceros horn to a legal beneficiary of a trust
32 or to an heir of an estate;
33 (D) Possession of an ivory article or rhinoceros horn that is part of a musical
34 instrument, including, without limitation, string and wind instruments and pianos,
35 where the owner or seller provides historical documentation as the department may
36 require, demonstrating provenance and showing the item was manufactured no later
37 than 1975;
38 (E) Employees or agents of the federal or state government undertaking any law
39 enforcement activities pursuant to federal or state law or any mandatory duties required
40 by federal or state law; and
41 (F) Where the import of an ivory article or rhinoceros horn is expressly authorized by
42 federal license or permit.
43 (c) The department shall promulgate rules and regulations as necessary to implement the
44 provisions of this Code section."

45 **SECTION 2.**

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