

House Bill 1196 (COMMITTEE SUBSTITUTE)

By: Representatives Smith of the 18th, Miller of the 62nd, Hong of the 103rd, LaHood of the 175th, Fleming of the 114th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-7-21.2 of the Official Code of Georgia Annotated, relating to
2 criminal trespass involving a wild animal, so as to provide for the offense of criminal trespass
3 involving a wild animal; to provide for definitions; to provide for penalties; to provide for
4 related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 16-7-21.2 of the Official Code of Georgia Annotated, relating to criminal
8 trespass involving a wild animal, is amended as follows:

9 "16-7-21.2.

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

11 (1) 'Foreign object or substance' means any item or substance in solid, liquid, or gaseous
12 form, including, but not limited to, anything likely to be consumed, inhaled, or absorbed
13 by the animal, electronics, biological material, rocks, sticks, chemicals, fluids, or any
14 item or substance not authorized by an individual with legal authority over said wild
15 animal.

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16 (2) 'Harass' means to engage in any act which demonstrates a disregard for the
17 well-being of a wild animal, or which creates the likelihood of injury to, the infliction of
18 stress to, or disrupts normal behavior patterns of the wild animal, such as feeding,
19 watering, resting, and breeding.

20 (3) 'Wild animal' means any ~~land or sea~~ animal currently or historically found in the
21 wild, ~~other than a domestic animal or livestock, including an animal kept, exhibited, or~~
22 housed at any facility operating with the purpose of public visitation, conservation,
23 education, or science, including, but not limited to, a zoological institution as defined in
24 paragraph (87) of Code Section 48-8-3, and any animal kept, exhibited, or housed in
25 aquariums, safaris, or animal sanctuaries. Such term shall include any domestic animal
26 or livestock housed, kept, or maintained by any person or corporation that is not operating
27 with the purpose of public visitation, conservation, education, or science.

28 (b)(1) A person commits the offense of criminal trespass involving a wild animal in the
29 first degree if such person enters or knowingly causes a foreign object or substance to
30 enter a cage, enclosure, or other area where a wild animal is housed or otherwise
31 contained, into which the person knows he or she has no legal authority, license, or
32 permission to enter, and harasses the wild animal and such wild animal suffers an injury
33 or death.

34 (2) A person commits the offense of criminal trespass involving a wild animal in the
35 second degree if such person enters or knowingly causes a foreign object or substance to
36 enter a cage, enclosure, or other area where a wild animal is housed or otherwise
37 contained, into which the person knows he or she has no legal authority, license, or
38 permission to enter.

39 (3) A person commits the offense of criminal trespass involving a wild animal in the
40 third degree if such person knowingly interferes with the operation, functionality, or
41 integrity of a cage, enclosure, or other area where a wild animal is housed or otherwise
42 contained.

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

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

49 (3) A person convicted of the offense of criminal trespass involving a wild animal in the
50 third degree shall be guilty of a misdemeanor and punished by imprisonment for not more
51 than 12 months.

52 (d) In addition to any other fine, penalty, or restitution which may be imposed by law, such
53 person would be liable for the cost of any damage to, and loss of, property connected to the
54 criminal trespass, including, but not limited to, the injury or death of the wild animal or
55 person securing, assisting, or caring for the animal.

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

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

60 (2) The wild animal was provoked by means other than the presence of the person in the
61 cage, enclosure, or other area; or

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

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

66 **SECTION 2.**

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