

Amendment to SB 451

1 Amend RSA 212-C:1, I as inserted by section 1 of the bill by replacing it with the following:

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3 I. "Covered animal species" means any species of:

4 (a) Elephant (superfamily Elephantidae).

5 (b) Rhinoceros (family Rhinocerotidae).

6 (c) Tiger (species *Panthera tigris*).

7 (d) Lion (species *Panthera leo*).

8 (e) Leopard (species *Panthera pardus*).

9 (f) Cheetah (species *Acinonyx jubatus*).

10 (g) Jaguar (species *Panthera onca*).

11 (h) Pangolin (family Manidae).

12 (i) Endangered shark, as listed by the Convention on International Trade in
13 Endangered Species of Wild Fauna and Flora.

14 (j) Endangered ray, as listed by the Convention on International Trade in Endangered
15 Species of Wild Fauna and Flora.

16 (k) Endangered sea turtle, as listed by the Convention on International Trade in
17 Endangered Species of Wild Fauna and Flora.

18 (l) Endangered whale, as listed by the Convention on International Trade in
19 Endangered Species of Wild Fauna and Flora.

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21 Amend RSA 212-C:2, II(b) as inserted by section 1 of the bill by replacing it with the following:

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23 (b) When the activity, and any sport-hunted item that is legally obtained in accordance
24 with federal law, are authorized by federal law.

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26 Amend RSA 212-C:2, III as inserted by section 1 of the bill by replacing it with the following:

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28 III. There is a presumption of possession with intent to sell a covered animal species part or
29 product when the part or product is possessed by a retail or wholesale establishment or other forum
30 engaged in the business of buying or selling of similar items, and a finding of intent to sell is
31 supported by any other evidence which independently establishes such intent.

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1 Amend RSA 212-C:2, IV-VI as inserted by section 1 of the bill by replacing them with the following:

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3 IV. A person who violates this section shall be guilty of a violation and may be fined not
4 more than \$1,000, or an amount equal to 2 times the total value of the covered animal species part
5 or product that is the subject of the violation, whichever is greater. The circuit court and the
6 superior court shall have concurrent jurisdiction to hear matters brought under this chapter. If the
7 appraised value of the covered animal species part or product exceeds \$25,000 or if the prosecuting
8 entity seeks relief unavailable in the circuit court, the matter shall be transferred to the superior
9 court for adjudication.

10 V. Any covered animal species part or product that has been seized by a law enforcement
11 officer pursuant to this chapter shall be appraised to determine its value. During the pendency of
12 any criminal matter, the court shall provide an opportunity for a hearing to determine who shall
13 maintain custody of the items, how the items shall be preserved, liability for any costs incurred to
14 preserve the items, and such other matters as may be required to protect the property until a final
15 dispositional order has been entered.

16 VI. If the owner of the covered animal species part or product is found not guilty, the
17 property shall be returned to the owner. If the owner is found guilty, the covered items shall be
18 forfeited to the fish and game department. Any fines assessed by the court shall be used first to
19 reimburse the entity ordered to preserve the property prior to adjudication, and thereafter, to the
20 fish and game department to reimburse for any costs incurred in final disposition of the items, and
21 finally to the entity which successfully prosecuted the matter.

22 VII. The executive director of the fish and game department may adopt rules pursuant to
23 RSA 541-A relative to:

24 (a) The purchase, sale, offer for sale, or possession with intent to sell, of parts or
25 products of any animal species that so closely resemble in appearance parts or products of a covered
26 animal species that law enforcement personnel would have substantial difficulty in attempting to
27 differentiate between the species.

28 (b) The method and manner to be used in appraising the value of any covered animal
29 species part or product seized by law enforcement or abandoned into the care or custody of the
30 department.

31 (c) A prohibition against commercial sale of any covered animal species part or product
32 in its custody or ownership.

33 (d) The method and manner used to determine ownership of any covered animal species
34 part or product abandoned to its care or custody other than by order of a court of competent
35 jurisdiction.

36 (e) The noncommercial disposition of covered animal species parts or products to:

37 (1) A legal beneficiary of an estate, trust, or other inheritance;

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- 1 (2) A bona fide scientific or educational institution for scientific or educational
- 2 purposes; or
- 3 (3) Any enrolled member of a federally-recognized Indian tribe.
- 4 (f) The destruction of covered animal species parts or products not otherwise disposed of
- 5 in accordance with this chapter.