

## **IC 14-22-26**

### **Chapter 26. Wild Animal Permit**

#### **IC 14-22-26-1**

##### **Applicability of chapter**

Sec. 1. This chapter does not apply to licensed commercial animal dealers, zoological parks, circuses, or carnivals.

*As added by P.L.1-1995, SEC.15.*

#### **IC 14-22-26-2**

##### **"Zoological park" defined**

Sec. 2. As used in this chapter, "zoological park" means:

- (1) a permanent establishment that is a member of the American Association of Zoological Parks and Aquariums; or
- (2) an agency of local government, open to and administered for the public, to provide education, conservation, and preservation of the earth's fauna.

*As added by P.L.1-1995, SEC.15.*

#### **IC 14-22-26-3**

##### **Rules regarding permits**

Sec. 3. The director may adopt rules under IC 4-22-2 to require and issue the following:

- (1) A permit to possess a wild animal protected by statute or rule.
- (2) A permit to possess a wild animal that may be harmful or dangerous to plants or animals. A separate permit is required for each wild animal described in this subdivision.

*As added by P.L.1-1995, SEC.15.*

#### **IC 14-22-26-4**

##### **Form; issuance; expiration; fee**

Sec. 4. A permit issued under this chapter:

- (1) must be in the form prescribed by the director;
- (2) may not be issued unless the director is satisfied that the permit should be issued;
- (3) has an expiration date fixed by the director; and
- (4) has a fee of ten dollars (\$10).

*As added by P.L.1-1995, SEC.15.*

#### **IC 14-22-26-5**

##### **Suspension of permit; seizure and holding of animals; adjudicative proceedings; costs**

Sec. 5. (a) If an emergency exists, the director may summarily suspend a permit issued under this chapter. The director may summarily seize and hold an animal for which a permit is required under this chapter, pending the outcome of the proceedings under this section, if either of the following conditions exist:

- (1) A permit has not been issued to possess the animal.
- (2) A permit has been issued to possess the animal, but the

director believes that an emergency exists because at least one (1) of the following conditions exists:

- (A) The animal is in a position to harm another animal.
- (B) The life or health of the animal is in peril.

(b) After suspending a permit or seizing and holding an animal under subsection (a), the department shall proceed as quickly as feasible to provide the opportunity for completed adjudicative proceedings under IC 4-21.5. The proceedings may result in the revocation, temporary suspension, or modification of the permit. Provision may be made for a final disposition with respect to the wild animal, including confiscation of the animal. IC 4-21.5 provides the exclusive remedy available to a person aggrieved by a determination of the department under this section.

(c) The director may contract with experts in the handling of animals for which a permit is required under this chapter to assist the director in seizing and holding an animal under this section. A person who seizes and holds an animal under a contract with the director is not subject to legal action arising from the seizure or holding to the same extent as if the person was an employee of the department.

(d) The owner of an animal seized under this section is liable for the costs of seizing and holding the animal and of the proceedings under this section, including a trial, if any.

*As added by P.L.1-1995, SEC.15.*

#### **IC 14-22-26-6**

##### **Rules regarding safety and health**

Sec. 6. Rules adopted under this chapter must provide for the following:

- (1) The safety of the public.
- (2) The health of the animals.

*As added by P.L.1-1995, SEC.15.*