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Time of Request: Wednesday, April 23, 2008 13:27:17 EST
Client ID/Project Name:
Number of Lines: 890
Job Number: 1841:88931250

Research Information

Service: Table of Contents Search
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Source: GA - Georgia Code, Constitution, Court Rules & ALS, Combined
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TITLE 27. GAME AND FISH
CHAPTER 5. WILD ANIMALS

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O.C.G.A. TITLE 27 Chapter 5 (2007)

TITLE 27 Chapter 5 Note

CHAPTER NOTES

CROSS REFERENCES. --Property rights in animals, § 44-1-8. Ownership of deposit and offspring by wild animals on land, § 44-1-9.

RESEARCH REFERENCES

ALR. --Liability for injury to property inflicted by wild animal, 57 ALR2d 242.
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O.C.G.A. § 27-5-1 (2007)

§ 27-5-1. Legislative intent and findings

The General Assembly finds and declares that it is in the public interest to ensure the public health, safety, and welfare by strictly regulating in this state the importation, transportation, sale, transfer, and possession of those wild animals which pose a possibility of:

- (1) Harmful competition for wildlife;
- (2) The introduction of a disease or pest harmful to wildlife;
- (3) Problems of enforcing laws and regulations relative to wildlife;
- (4) Threatening wildlife or other natural resources; or
- (5) Endangering the physical safety of human beings.

The importation, transportation, sale, transfer, and possession of wild animals are privileges not to be granted unless it can be clearly demonstrated that such actions can be accomplished in a manner that does not pose unnecessary risk to Georgia's wildlife and other natural resources or to the citizens of and visitors to this state. For these reasons, the General Assembly further finds and declares that only certain wild animals may be held for scientific or educational purposes, for public exhibition, or as pets and may only be lawfully held when the requirements of this chapter are met. The General Assembly further finds and declares that any wild animal for which a license or permit, or both, is required under the provisions of this chapter and for which no such license or permit, or both, has been obtained is a nuisance and is contraband and is subject to seizure by any peace officer authorized to enforce this chapter.

HISTORY: Code 1933, § 45-1101, enacted by Ga. L. 1979, p. 1094, § 4; Ga. L. 1993, p. 91, § 27.

NOTES:

CROSS REFERENCES. --Liability of owner or keeper of vicious or dangerous animal for injuries caused by animal, § 51-2-7.

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O.C.G.A. § 27-5-2 (2007)

§ 27-5-2. Powers of board generally

(a) The board shall have the authority to regulate the importation, transportation, sale, and possession of wild animals when and to the extent that the importation, transportation, sale, or possession poses a possibility of:

- (1) Harmful competition for wildlife;
- (2) The introduction of a disease or pest harmful to wildlife;
- (3) Problems of enforcement of laws and regulations relating to wildlife;
- (4) Danger to wildlife or other natural resources; or
- (5) Danger to the physical safety of human beings.

(b) The board is specifically authorized to supplement the list of wild animals set forth in this chapter for which a permit or license, or both, is required.

(c) The board shall have the authority to require that any listed wild animal that is imported, transported, possessed, sold, or transferred by any person, including wild animal dealers, be labeled with the correct species, number, age, or other relevant information.

(d) The board shall have the authority to require an applicant for a permit or license required under this chapter to supply such information and to supply it in such form as the board deems necessary for the department to discharge its responsibilities under this chapter.

HISTORY: Ga. L. 1975, p. 1254, § 2; Code 1933, § 45-1107, enacted by Ga. L. 1977, p. 396, § 1; Ga. L. 1979, p. 1094, §§ 17, 18.

RESEARCH REFERENCES

AM. JUR. 2D. --35A *Am. Jur. 2d, Fish, Game, and Wildlife Conservation*, § 38.

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O.C.G.A. § 27-5-2.1 (2007)

§ 27-5-2.1. Definitions; importation restrictions; prohibition on possession of cervid carcasses

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

- (1) "Cervid" means a member of the family cervidae.
- (2) "Chronic wasting disease" means a fatal disease that belongs to a group of diseases known as transmissible spongiform encephalopathies and that affects the brains of cervids.
- (3) "Clean" means having no meat matter or tissue attached to the carcass part.
- (4) "Importation" means the transportation of a cervid, cervid carcass, or carcass part into this state.
- (5) "Whole" means the entire carcass, whether eviscerated or not, prior to the carcass being processed.

(b) (1) It shall be unlawful for any person, firm, partnership, or association to import, bring, or cause to be imported or brought into this state any live cervid, except as otherwise authorized by rule or regulation of the board in effect as of January 1, 2007, or such later date as may be provided by *Code Section 27-1-39*.

(2) (A) Any person who violates paragraph (1) of this subsection shall be guilty of a misdemeanor of a high and aggravated nature and upon conviction shall be punished by a fine of not less than \$1,500.00 nor more than \$5,000.00, imprisonment for a period not exceeding 12 months, or both such fine and imprisonment.

(B) The hunting and fishing privileges of any person convicted of violating paragraph (1) of this subsection shall be suspended for not less than three years from the date of conviction.

(c) It shall be unlawful for any person to import or possess a whole cervid carcass or cervid carcass part from any state having a documented case of a cervid infected with chronic wasting disease, except for any one or more of the following cervid carcass parts:

- (1) Boned-out meat and commercially processed cuts of meat;
- (2) Portions of meat with no part of the spinal column or head attached;
- (3) Hides with no heads attached;
- (4) Clean skull plates with antlers attached;
- (5) Clean antlers;
- (6) Finished taxidermy heads; and
- (7) Clean upper canine teeth (buglers, whistlers, ivories).

O.C.G.A. § 27-5-2.1

HISTORY: Code 1981, § 27-5-2.1, enacted by Ga. L. 2006, p. 226, § 4/HB 338.

NOTES:

EFFECTIVE DATE. --This Code section became effective July 1, 2006, for purposes of promulgating rules and regulations, and on January 1, 2007, for all other purposes.

CODE COMMISSION NOTES. --Pursuant to *Code Section 28-9-5*, in 2006, a colon was substituted for a comma at the end of the introductory language of subsection (a).

OPINIONS OF THE ATTORNEY GENERAL

FINGERPRINTING REQUIRED FOR VIOLATORS. --Those charged with offenses under *O.C.G.A. § 27-5-2.1* are to be fingerprinted. 2007 Op. Att'y Gen. No. 2007-1.

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O.C.G.A. § 27-5-3 (2007)

§ 27-5-3. Powers of department generally

(a) The department shall have the authority to prescribe the form and contents for the license and permit applications provided for in this chapter.

(b) The department shall issue or deny all permits and licenses required by this chapter and any rules and regulations adopted pursuant to this chapter.

(c) The department may, prior to a hearing, issue a cease and desist order or other appropriate order to any person who is violating this chapter or any regulation, permit, or license issued pursuant to this chapter.

(d) The department may quarantine or otherwise dispose of or order the disposition of any wild animal when it determines that the wild animal is affected with or exposed to a contagious or infectious disease or is infested with a parasite or pest harmful to wildlife.

(e) The department shall have the authority, based upon the standards set forth in *Code Section 27-5-6*, to determine if the necessary facilities, conditions, and standards prescribed by this chapter are sufficient for safety to the public and for the humane handling, care, confinement, and transportation of the wild animal for which application for a permit or license, or both, has been received. The department shall be authorized to make such determinations by inspecting the facilities of the permit or license holder. Following such determination, the department also has the authority to condition the license or permit so that the standards and intent of this chapter are met.

(f) The department is authorized to capture and contain any wild animal regulated by this chapter which has escaped or been released when such wild animal is determined by the department to pose a risk to Georgia's wildlife or other natural resources or to the citizens of and visitors to this state.

HISTORY: Ga. L. 1975, p. 1254, § 5; Code 1933, § 45-1106, enacted by Ga. L. 1977, p. 396, § 1; Ga. L. 1979, p. 1094, § 16.

RESEARCH REFERENCES

AM. JUR. 2D. --35A *Am. Jur. 2d, Fish, Game, and Wildlife Conservation*, § 38.

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O.C.G.A. § 27-5-4 (2007)

§ 27-5-4. Wild animal licenses and permits generally

(a) Unless otherwise provided in *Code Section 27-5-5*, it shall be unlawful for any person to import, transport, transfer, sell, purchase, or possess any wild animal listed in *Code Section 27-5-5* or specified by the board by regulation without first obtaining a wild animal license from the department as provided in *Code Section 27-2-23* or a wild animal permit as provided in this Code section; provided, however, anyone holding a deer-farming license is not required to have a wild animal license or permit to possess farmed deer. Unless otherwise specified by the department, such license or permit shall be effective from April 1 through March 31 and may contain such conditions and restrictions, including restrictions as to numbers and species of animals, as the department determines appropriate in light of the provisions of this chapter. An applicant for a wild animal license or permit shall have the burden of proving that any wild animals subject to such license or permit are or will be imported, transported, transferred, sold, purchased, or possessed in compliance with this chapter.

(b) (1) Except as provided in paragraph (2) of this subsection, wild animal licenses will be issued only to persons engaged in the wholesale or retail wild animal business or persons exhibiting wild animals to the public. Wild animal permits will be issued at no cost and only to persons for scientific or educational purposes, to persons with a permanent disability or disease as provided and for the purpose described in paragraph (2) of this subsection, or to a pond owner for grass carp or grass carp hybrids where the department has determined that the possession of such carp by the pond owner will not constitute a threat to wildlife; provided, however, that no such permit shall be required for persons buying triploid grass carp from properly licensed wild animal dealers authorized to sell grass carp where the bill of sale is retained by the buyer as proof of such sale and where the triploid grass carp are to be stocked only into a private pond; provided, further, that no such license or permit shall be required solely for the transportation of wild animals through this state where the animals remain in this state no more than 24 hours and are not sold or transferred while in this state.

(2) The department shall issue a wild animal permit only for an animal in the genus *Cebus* (capuchin monkeys) to any person who establishes to the satisfaction of the department that:

(A) Such person has a permanent disability or disease which interferes with the person's ability to perform one or more routine daily living activities;

(B) The animal for which the permit is to be issued has been trained to assist the person in performing his or her daily living activities;

(C) The animal will be humanely treated and will not present a health or safety threat;

(D) The animal for which the permit is to be issued is the only wild animal to be possessed by that person;

(E) The permittee does not have a history of violating this chapter; and

(F) The organization furnishing the animal to the applicant:

O.C.G.A. § 27-5-4

- (i) Is reputable, lawful, and does not have any history of violating this chapter;
 - (ii) Provides to the department documentation and data sufficient to establish that the organization has a proven record, over at least a ten-year period, of furnishing animals which provide meaningful assistance to persons with disabilities; and
 - (iii) Has received and maintained a nonprofit, tax-exempt status.
- (3) Permits issued under the provisions of paragraph (2) of this subsection shall be issued only to individuals and are nontransferable.
- (4) Capuchin monkeys possessed under the provisions of paragraph (2) of this subsection are exempt from the requirements of paragraph (5) of subsection (k) of this Code section but must be treated humanely and shall be kept only in the residence of the permittee. When transported, the monkey must be in a USDA approved carrier and there shall be no contact allowed between the public and monkey when outside the permittee's residence. Under no circumstances may the monkey be present on premises where food is sold.
- (c) It shall be unlawful for any person to sell, transfer, deliver, or surrender a wild animal listed in *Code Section 27-5-5* or specified by the board by regulation to any other person unless that other person holds a license or permit issued pursuant to this chapter for such wild animal or is exempt from the requirement for such a permit or license by the provisions of subsection (d) of this Code section.
- (d) No wild animal license or permit shall be required for a carrier regulated either by the Interstate Commerce Commission, the Civil Aeronautics Board, or the Public Service Commission to import or transport any wild animal.
- (e) Any licenses issued by the department to any person for public exhibition purposes shall be conditioned so that the person operating a wild animal exhibition in a nontraveling, fixed facility shall make the facility open to the public for a time no less than 30 hours per week for at least six months each year; and the person operating a wild animal exhibition in a transient facility shall make the facility open to the public for a reasonable period of time and for reasonable hours of the day, depending upon the nature of the exhibition. The department is authorized to issue such licenses in accordance with this chapter requiring adequate facilities for the humane handling, care, and confinement of wild animals and ensuring public safety. Notwithstanding any other provision of this title, exhibitions of wild animals by federal, state, city, county, or municipal governments or their agencies and transient circuses, which circuses can demonstrate to the satisfaction of the department that 10 percent of the proceeds from such exhibitions shall be devoted to charitable purposes in this state, shall not be required to purchase a wild animal license but shall be required to obtain the license, at no charge, from the department; provided, however, all other provisions of this chapter and all regulations relating to the humane handling, care, and confinement of wild animals must be complied with.
- (f) Except as otherwise provided in this chapter, a wild animal license or permit is required for the possession of any wild animal listed in subsection (b) of *Code Section 27-5-5* or as required by regulation of the board. Liability insurance is required for the possession of any wild animal that is classified as being inherently dangerous to people in subsection (a) of *Code Section 27-5-5* or as required by regulation of the board. Prior to the issuance of a wild animal license or permit for animals classified as being inherently dangerous to people, any applicant other than a governmental agency or university research facility must provide proof of liability insurance from a company licensed to do business in this state or an unauthorized insurer if permitted by Chapter 5 of Title 33. Such insurance must be maintained in force and effect and cover claims for injury or damage to persons or property in an amount equal to \$40,000.00 for each inherently dangerous animal up to a maximum of \$500,000.00. The insurance company shall notify the department at least 30 days prior to the termination of the policy by the company. Liability insurance is not required for wild animals that are not considered to be inherently dangerous to people.
- (g) Any license or permit issued in accordance with this chapter shall be valid only for the species and numbers of wild animals referenced on the application and the license or permit. The license or permit to hold a female wild animal shall cover her progeny only while the progeny are physically dependent upon her or until her progeny are two months of age, whichever period is longer. It shall also be unlawful to transfer any license or permit issued by the department from one person to another person.
- (h) It shall be unlawful for any person holding a license or permit issued pursuant to this chapter to import, transport, sell, transfer, or possess any wild animal in facilities not approved by the department as described in *Code Section 27-5-6*.

O.C.G.A. § 27-5-4

(i) In the event that a determination has been made to revoke, suspend, deny, or refuse to renew any license or permit issued pursuant to this chapter, the applicant for the license or permit may appeal the determination according to the provisions stated in *Code Section 27-2-25*.

(j) It shall be unlawful for any person holding a license or permit pursuant to this chapter to import, purchase, transport, sell, or transfer any wild animal and fail to record in a record book, within 24 hours after the completion of such a transaction, the date, place, manner, and names and addresses of all persons involved in such a transaction. It shall also be unlawful to fail to maintain such records for a period of 12 months or to fail to provide the department access to such records during all regular business hours.

(k) Wild animal licenses shall not be issued unless the following conditions are met:

(1) The applicant must be at least 18 years of age;

(2) Applicants requesting a license for mammals must obtain a license from the Animal and Plant Health Inspection Service of the United States Department of Agriculture or provide written documentation that the applicant is exempt from such requirements;

(3) Applicants must submit documentation verifying that the proposed construction of facilities and the holding of wild animals is not prohibited by county or municipal ordinances;

(4) The applicant must obtain required business licenses; and

(5) Facilities for holding or exhibiting wild animals must be completely separated from a residence and meet specifications for humane handling, care, and confinement as provided in *Code Section 27-5-6*.

HISTORY: Ga. L. 1975, p. 1254, § 3; Code 1933, § 45-1101, enacted by Ga. L. 1977, p. 396, § 1; Ga. L. 1978, p. 816, §§ 64-66; Code 1933, § 45-1101.1, as redesignated by Ga. L. 1979, p. 1094, § 4; Ga. L. 1979, p. 1094, §§ 5-9; Ga. L. 1981, p. 798, § 17; Ga. L. 1985, p. 913, § 3; Ga. L. 1988, p. 842, § 6; Ga. L. 1989, p. 1552, § 14; Ga. L. 1991, p. 1157, § 3; Ga. L. 1994, p. 1742, § 2; Ga. L. 1997, p. 1395, § 4; Ga. L. 2006, p. 138, § 2/HB 695.

NOTES:

THE 2006 AMENDMENT, effective April 18, 2006, designated the previously existing provisions of subsection (b) as paragraph (b)(1); in paragraph (b)(1), substituted "Except as provided in paragraph (2) of this subsection, wild animal licenses" for "Wild animal licenses" in the first sentence, and inserted ", to persons with a permanent disability or disease as provided and for the purpose described in paragraph (2) of this subsection," in the second sentence; and added paragraphs (b)(2) through (b)(4).

CROSS REFERENCES. --Property rights in animals, § 44-1-8. Ownership of deposits by and offspring of wild animals on land, § 44-1-9.

CODE COMMISSION NOTES. --Pursuant to *Code Section 28-9-5*, in 1986, "ensuring" was substituted for "insuring" in the second sentence of subsection (e).

Pursuant to *Code Section 28-9-5*, in 1988, the word "insurer" was substituted for "insuror" in the first (now third) sentence of subsection (f).

Pursuant to *Code Section 28-9-5*, in 2006, "this Code section" was substituted for "*Code Section 27-5-4*" in the first sentence of paragraph (b)(4).

RESEARCH REFERENCES

AM. JUR. 2D. --35A *Am. Jur. 2d, Fish, Game, and Wildlife Conservation*, § 47 et seq.

C.J.S. --36A C.J.S., *Fish*, §§ 28, 30 et seq., 43. 38 C.J.S., *Game; Conservation and Protection of Wildlife*, §§ 22 et seq., 51 et seq.

ALR. --Owner's or keeper's liability for personal injury or death inflicted by wild animal, 21 ALR3d 603.

Governmental liability from operation of zoo, 92 ALR3d 832.

Liability of United States, under Federal Tort Claims Act (28 *USCS secs. 1346, 2671 et seq.*), for death or injury sustained by visitor to national park or national forest, 66 ALR Fed. 305.

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O.C.G.A. § 27-5-5 (2007)

§ 27-5-5. Wild animals for which license or permit required

(a) The following animals are considered to be inherently dangerous to human beings and are subject to the license or permit and insurance requirements provided for in subsection (f) of *Code Section 27-5-4*:

(1) Class Mammalia:

(A) Order Marsupialia: Family Macropodidae: Genus Macropus (Kangaroos) -- All species;

(B) Order Primates:

(i) Family Pongidae (gibbons, orang-utan, chimpanzees, siamangs, and gorillas) -- All species;

(ii) Family Cercopithecidae:

(I) Genus Macaca (macaques) -- All species;

(II) Genus Papio (mandrills, drills, and baboons) -- All species;

(III) Theropithecus gelada (Gelada baboon);

(C) Order Carnivora:

(i) Family Canidae:

(I) Genus Canis (wolves, jackals, and dingos); all species; except that any person possessing hybrid crosses between wolves and domestic animals on July 1, 1994, shall have until July 1, 1995, to apply for a fee-exempt permit to possess these animals as pets; provided, however, that the said hybrid is sexually neutered; provided, further, that it shall be unlawful to transfer possession or ownership of said hybrid without prior written approval from the department. Liability insurance shall not be mandatory for wolf hybrids possessed under this fee-exempt permit;

(II) Chrysocyon brachyurus (maned wolf);

(III) Cuon alpinus (red dog);

(IV) Lycaon pictus (African hunting dog);

(ii) Family Ursidae (bears) -- All species;

(iii) Family Mustelidae -- Gulo gulo (wolverine);

(iv) Family Hyaenidae (hyenas) -- All species;

(v) Family Felidae:

O.C.G.A. § 27-5-5

- (I) Genus *Leo* or *Panthera* or *Neofelis* (lions, tigers, jaguars, and leopards) -- All species;
- (II) *Unica unica* (snow leopard);
- (III) *Acinonyx jubatus* (cheetah);
- (IV) *Felis concolor* (cougar) -- All subspecies;
- (D) Order Proboscidea: Family Elephantidae (elephants) -- All species;
- (E) Order Perissodactyla: Family Rhinocerotidae (rhinoceroses) -- All species;
- (F) Order Artiodactyla:
 - (i) Family Suidae -- *Phacochoerus aethiopicus* (wart hog);
 - (ii) Family Hippopotamidae -- *Hippopotamus amphibius* (hippopotamus);
 - (iii) Family Bovidae:
 - (I) Genus *Taurotragus* (elands) -- All species;
 - (II) *Boselaphus tragocamelus* (nilgais);
 - (III) *Bos sauveli* (kouprey);
 - (IV) *Syncerus caffer* (African buffalo);
 - (V) *Hippotragus niger* (sable);
 - (VI) *Oryx gazella* (gemsbok);
 - (VII) *Addax nasomaculatus* (addax);
 - (VIII) Genus *Alcelaphus* (hartebeests) -- All species;
 - (IX) Genus *Connochaetes* (gnu, wildebeest) -- All species;
- (2) Class Reptilia:
 - (A) Order Crocodylia:
 - (i) Family Crocodylidae (crocodiles, gavials, etc.) -- All species;
 - (ii) Family Alligatoridae -- (alligators and caimans) -- All species;
 - (B) Order Squamata:
 - (i) Suborder Serpentes:
 - (I) Family Elapidae (cobras, coral snakes, etc.) -- All species;
 - (II) Family Viperidae (adders, vipers, etc.) -- All species;
 - (III) Family Colubridae -- All poisonous rear-fanged species (*Opisthoglypis*);
 - (IV) Family Crotalidae (pit vipers) -- All species;
 - (ii) Suborder Lacertilia: Family Helodermatidae (*Gila* monsters and beaded lizards) -- All species;
- (3) Class Osteichthyes:
 - (A) Order Cypriniformes (Suborder Characoidei): Family Characidae (tetra, piranha): Genera *Serrasalmus*, *Serrasalmo*, *Pygocentrus*, *Taddyella*, *Rooseveltiella*, *Pygopristis* (piranhas) -- All species;
 - (B) Order Siluriformes: Family Trichomycteridae (parasitic catfishes): Genera *Vandellia* (candiru) and *Uri-nophilus* -- All species; and
- (4) Class Chondrichthyes (cartilaginous fish): Order Rajiformes: Family Potamotrygonidae (fresh-water stingray) -- All species.

(b) Except as provided in this Code section, a license or permit is required for the following wild animals and any others specified by regulation of the board:

(1) Class Mammalia:

- (A) Order Marsupialia (opossum, wallabies, etc.) -- All species;
- (B) Order Insectivora (shrews, moles, etc.) -- All species;
- (C) Order Dermoptera (flying lemurs) -- All species;
- (D) Order Chiroptera (bats) -- All species;
- (E) Order Primates (monkeys, apes, etc.) -- All species except Family Hominidae;
- (F) Order Edentata (sloths, armadillos, etc.) -- All species;
- (G) Order Pholidota (pangolins or scaly anteaters) -- All species;
- (H) Order Lagomorpha (rabbits, hares, etc.) -- All species except Genus *Oryctolagus*; or any other normally domesticated species;
- (I) Order Rodentia (rats, mice, etc.) -- All species except Genus *Cavia*; Genus *Gerbillus*; Genus *Mesocricetus*; *Mus musculus*; *Rattus rattus*; *Rattus norvegicus*; or any other normally domesticated species;
- (J) Order Cetacea (whales, dolphins, etc.) -- All species;
- (K) Order Carnivora (weasels, ferrets, cats, bears, wolves, etc.) -- All species, except that a European ferret (*Mustela putorius furo*) may be sold, purchased, exhibited, or held as a pet without a license or permit; provided, however, that the ferret owner can provide valid documentation that the ferret was sexually neutered prior to seven months of age and is vaccinated against rabies with a properly administered vaccine approved for use on ferrets by the United States Department of Agriculture;
- (L) Order Tubulidentata (aardvark) -- All species;
- (M) Order Proboscidea (elephants) -- All species;
- (N) Order Hyracoidea (conies) -- All species;
- (O) Order Sirenia (manatees, dugong) -- All species;
- (P) Order Perissodactyla (odd-toed ungulates) -- All species;
- (Q) Order Artiodactyla (even-toed ungulates) -- All species except *Bison bison* (buffalo) and *Llama guanicoe*, *L. glama*, and *L. pacos* (llamas);

(2) Class Aves:

- (A) Order Falconiformes (hawks, eagles, vultures, etc.) -- All species except that persons possessing a federal falconry license shall be allowed to possess birds in the Order Falconiformes without obtaining a wild animal license;
- (B) Order Galliformes: Family Meleagrididae (turkeys) -- All species not normally domesticated;
- (C) Order Psittaciformes: *Myiopsitta monachus* (monk parakeet);
- (D) Order Cuculiformes: Family Cuculidae (cuckoos) -- All species;
- (E) Order Strigiformes (owls) -- All species;
- (F) Order Passeriformes:
 - (i) Family Alaudidae (larks): *Alauda arvensis* (sky larks);
 - (ii) Family Pycnonotidae (bulbuls) -- All species;
 - (iii) Family Muscicapidae (thrushes, blackbirds, fieldfare, etc.): Genus *Turdus* -- All species;
 - (iv) Family Zosteropidae (white eyes): Genus *Zosterops* -- All species;
 - (v) Family Emberizidae (buntings, etc.): *Emberiza citrinella* (yellow hammer);

- (vi) Family Ploceidae (sparrows, weavers, queleas, weaver finches, etc.):
 - (I) Genus *Passer* -- All species except *Passer domesticus* (English house sparrow);
 - (II) *Ploceus capensis* (cape weaver);
 - (III) *Ploceus philippinus* (Baya weaver);
 - (IV) Genus *Quelea* -- All species;
 - (vii) Family Icteridae (blackbirds, grackles, orioles, etc.): Genera *Molothrus*, *Quiscalus*, and *Agelaius* -- All species;
 - (viii) Family Estrildidae (waxbills, ricebirds, munias, weaver finches, etc.): *Padda oryzivora* (Java sparrow);
 - (ix) Family Sturnidae (starlings, mynas, etc.) -- All species except *Sturnus vulgaris* (starling) and *Gracula religiosa* (Hill mynas);
 - (x) Family Corvidae (crows, ravens, etc.) -- All species;
- (3) Class Amphibia (Order Anura):
- (A) Family Bufonidae (toads): *Bufo marinus*, *Bufo paracnemis*, *Bufo horribilis* (giant or marine toad group);
- (4) Class Osteichthyes (bony fish):
- (A) Order Cypriniformes (Suborder Characoidei): Family Characidae (tetra, piranha):
 - (i) *Astyanax fasciatus* (banded tetra);
 - (ii) Genera *Serrasalmus*, *Serrasalmo*, *Pygocentrus*, *Taddyella*, *Rooseveltiella*, *Pygopristis* (piranhas) -- All species;
 - (B) Order Cypriniformes (Suborder Cyprinoidei): Family Cyprinidae (carp, grass carp, orfe, etc.):
 - (i) *Ctenopharyngodon idella* (grass carp);
 - (ii) *Hypophthalmichthys molitrix* (silver carp);
 - (iii) *Aristichthys nobilis* (bighead carp);
 - (C) Order Siluriformes:
 - (i) Family Clariidae (air-breathing catfishes) -- All species;
 - (ii) Family Trichomycteridae (parasitic catfishes): Genera *Vandellia* (candiru) and *Urinophilus* -- All species;
 - (iii) Family Heteropneustidae (giant walking catfishes): Genus *Heteropneustes* -- All species;
 - (D) Order Perciformes (Suborder Channoidei) Family Channidae (snakeheads): Genera *Ophicephalus* and *Channa* -- All species;
- (5) Class Chondrichthyes (cartilaginous fish): Order Rajiformes: Family Potamotrygonidae (fresh-water stingray) -- All species; and
- (6) All exotic fish which are not held in aquaria or tanks, provided that, as used in this Code section, "aquaria or tanks" means containers for holding fish from which no water is discharged, except during periodic cleaning, and which discharged water is passed through a filtering system capable of removing all fish and fish eggs and is disposed of only in a septic tank permitted by the county or in a waste-water treatment system permitted by the Environmental Protection Division of the department. For purposes of this paragraph, exotic fish are all fish species not native to Georgia. This paragraph shall not apply to any species of fish regulated by any other chapter of this title.

(c) Any person who on July 1, 1994, possessed a wild animal for which a license or permit was not required prior to July 1, 1994, shall have until January 1, 1995, to apply for a fee-exempt permit, provided that the requirements of this chapter relating to insurance and humane handling, care, and confinement of wild animals are met. Such permits shall

O.C.G.A. § 27-5-5

only be valid for wild animals possessed prior to July 1, 1994, and shall not authorize breeding, importation, sale, or transfer without specific authorization from the department.

HISTORY: Code 1933, § 45-1102, enacted by Ga. L. 1977, p. 396, § 1; Ga. L. 1978, p. 816, §§ 67, 68; Ga. L. 1979, p. 1094, §§ 10-12; Ga. L. 1985, p. 913, § 4; Ga. L. 1991, p. 1157, § 4; Ga. L. 1992, p. 1636, § 7; Ga. L. 1994, p. 1742, § 3; Ga. L. 1996, p. 1219, § 19.

NOTES:

CODE COMMISSION NOTES. --Pursuant to *Code Section 28-9-5*, in 1986, a colon was substituted for a period at the end of the introductory language and "Suborder" was substituted for "Sub-order" in subparagraph (2)(B)(a).

Pursuant to *Code Section 28-9-5*, in 1997, "opossum" was substituted for "opposum" in subparagraph (b)(1)(A).

JUDICIAL DECISIONS

PARAGRAPH (4) (NOW PARAGRAPH (B)(6)) VOID FOR VAGUENESS. --*O.C.G.A. § 27-5-5(4)* (now *O.C.G.A. § 27-5-5(b)(6)*), relating to exotic fish which are not held in aquaria or tanks, was void for vagueness, since there was no statutory definition of "exotic fish." *Department of Natural Resources v. Blue Ridge Mt. Fisheries*, 262 Ga. 305, 417 S.E.2d 12 (1992).

EXOTIC FISH. --In deciding to prosecute a hatchery owner for violating the Game and Fish Code, based on a definition of "exotic fish" different than its generally accepted definition and not then codified or set forth in any regulation, Department of Natural Resource officials violated due process, acted outside their discretionary authority, and were not entitled to qualified immunity. *Blue Ridge Mt. Fisheries, Inc. v. Department of Natural Resources*, 217 Ga. App. 89, 456 S.E.2d 651 (1995).

OPINIONS OF THE ATTORNEY GENERAL

FOR AN UPDATE OF CRIMES AND OFFENSES for which the Georgia Crime Information Center is authorized to collect and file identifying data, see 1991 Op. Att'y Gen. No. 91-35.

RESEARCH REFERENCES

AM. JUR. 2D. --35A *Am. Jur. 2d, Fish, Game, and Wildlife Conservation*, § 49.

C.J.S. --36A C.J.S., Fish, § 28. 38 C.J.S., Game; Conservation and Protection of Wildlife, §§ 52, 53.

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O.C.G.A. § 27-5-6 (2007)

§ 27-5-6. Specifications for humane handling, care, confinement, and transportation of wild animals

It shall be unlawful to import, transport, sell, transfer, or possess any wild animal regulated by this chapter without meeting the specifications expressed in this Code section for the humane handling, care, confinement, and transportation of such animals:

(1) *Facilities in general.*

(A) The facility must be constructed of such material and of such strength as appropriate for the animals involved. The housing facilities shall be structurally sound and shall be maintained in good repair to protect and contain the animals. The facilities shall be designed in such manner, including the inclusion of barriers of sufficient dimensions and conformation, to safeguard both the animals and the public against injury by direct contact.

(B) Reliable and adequate electric power, if required to comply with other provisions of this Code section, and adequate potable water shall be available on the premises.

(C) Supplies of food and bedding shall be stored in facilities which adequately protect the supplies against deterioration, molding, or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(D) Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, trash, and debris. Disposal facilities shall be so provided and operated so as to minimize vermin infestation, odors, and disease hazards. The disposal facilities and any disposal of animal and food wastes, bedding, dead animals, trash, and debris shall comply with applicable federal, state, and local laws and regulations relating to pollution control or the protection of the environment.

(E) Facilities such as washrooms, basins, showers, or sinks shall be provided to maintain cleanliness among animal caretakers.

(2) *Indoor facilities.*

(A) Temperature in indoor housing facilities shall be sufficiently regulated by heating or cooling to protect the animals from extremes of temperature, to provide for their health, and to prevent their discomfort. The ambient temperature shall not be allowed to fall below nor rise above temperatures compatible with the health and comfort of the animal.

(B) Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health and to prevent discomfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, fans, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation.

(C) Indoor housing facilities shall have ample lighting, by natural or artificial means, or both, of good quality, distribution, and duration as appropriate for the species involved. Such lighting shall be uniformly distributed and of sufficient intensity to permit routine inspection and cleaning. Lighting of primary enclosures shall be designed to protect the animals from excessive illumination.

(D) A suitable sanitary method shall be provided for rapid elimination of excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors and installed so as to prevent any backup of sewage. The method of drainage shall comply with applicable federal, state, and local laws and regulations relating to pollution control or the protection of the environment.

(3) *Outdoor facilities.*

(A) When sunlight is likely to cause overheating or discomfort of the animals, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from direct sunlight.

(B) Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and to prevent discomfort to such animals. Individual animals shall be acclimated before they are exposed to the extremes of the local climate.

(C) A suitable method shall be provided for rapid elimination of excess water. The method of drainage shall comply with applicable federal, state, and local laws and regulations relating to pollution control or the protection of the environment.

(4) *Space requirements.* Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavioral patterns.

(5) *Feeding.*

(A) The food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health. The diet shall be prepared with consideration for the age, species, condition, size, and type of animal. Animals shall be fed at least once a day except as dictated by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices.

(B) Food and food receptacles, if used, shall be sufficient in quantity and located so as to be accessible to all animals in the enclosure and shall be placed so as to minimize contamination. Food receptacles shall be kept clean and sanitary at all times. If self-feeders are used, adequate measures shall be taken to prevent molding, contamination, and deterioration or caking of food.

(6) *Watering.* If potable water is not accessible to the animals at all times, it must be provided as often as necessary for the health and comfort of the animal. Frequency of watering shall take into consideration the age, species, condition, size, and type of the animal. All water receptacles shall be kept clean and sanitary.

(7) *Sanitation.*

(A) Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors. When enclosures are cleaned by hosing or flushing, adequate measures shall be taken to protect the animals confined in such enclosures from being directly sprayed with the stream of water or wetted involuntarily.

(B) Subsequent to the presence of an animal with an infectious or transmissible disease, cages, rooms, and hard-surfaced pens or runs shall be sanitized either by washing them with hot water (180 degrees Fahrenheit at source) and soap or detergent, as in a mechanical washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant or by cleaning all soiled surfaces with saturated live steam under pressure. Pens or runs using gravel, sand, or dirt shall be sanitized when necessary.

(C) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Code section. Accumulations of trash shall be placed in designated areas and cleared as necessary to protect the health of the animals.

(D) A safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

(8) *Employees.* A sufficient number of adequately trained employees shall be utilized to maintain the professionally acceptable level of husbandry practices set forth in this Code section. Such employees shall be under a supervisor who has a background in animal care.

(9) *Separation.* Animals housed in the same primary enclosure must be compatible. Animals shall not be housed near animals that interfere with their health or cause them discomfort.

(10) *Veterinary care.*

(A) Programs of disease prevention, parasite control, euthanasia, and adequate veterinary care shall be established and maintained. The pest control programs shall be reviewed for the safe use of materials and methods.

(B) Animals shall be observed every day by the person in charge of the care of the animals or by someone working under his direct supervision. Sick, diseased, stressed, injured, or lame animals shall be provided with veterinary care or humanely destroyed, unless such action is inconsistent with the research purposes for which the animal was obtained and is being held.

(C)(i) In the case of a research facility, the program of adequate veterinary care shall include the appropriate use of anesthetic, analgesic, or tranquilizing drugs, when such use would be proper in the opinion of the attending veterinarian at the research facility. Such drugs shall be used in accordance with the currently accepted veterinary medical practice as cited in appropriate professional journals or reference guides and shall produce in the individual subject animal a high level of tranquilization, anesthesia, or analgesia consistent with the protocol or design of the experiment.

(ii) It shall be incumbent upon each research facility to provide guidelines and consultation to research personnel with respect to the type and amount of tranquilizers, anesthetics, or analgesics recommended as being appropriate for each species of animal used by that institution.

(iii) The use of these three classes of drugs shall effectively minimize the pain and discomfort of the animals while under experimentation.

(11) *Handling.*

(A) Handling of animals shall be done expeditiously and carefully so as not to cause unnecessary discomfort, behavioral stress, or physical harm to the animal. Care should be exercised also to avoid harm to the handler.

(B) Animals to which the public is afforded direct contact shall only be displayed for periods of time and under conditions consistent with the animals' health and not leading to their discomfort.

(C) During public display, the animals must be handled so there is minimal risk of harm to the public with sufficient distance allowed between the animals and the viewing public to assure safety to both the public and the animals. Performing animals shall be allowed a rest period between performances equal to the time for one performance.

(12) *Vehicles.*

(A) Vehicles used in transporting animals shall be mechanically sound and equipped to provide the animals adequate fresh air, both when moving and stationary, without injurious drafts or discomfort.

(B) The animal cargo space shall be so constructed and maintained so as to prevent the ingress of the vehicle's exhaust gases.

(C) The interior of the animal cargo space shall be kept physically clean.

(D) The ambient temperature shall be sufficiently regulated by heating or cooling to protect the animals from the extremes of temperature and to provide for their health and to prevent their discomfort. The ambient temperature shall not be allowed to fall below or rise above temperatures compatible with the health and comfort of the animals.

(13) *Primary enclosures used to transport animals.*

(A) Primary enclosures, such as compartments used to transport animals, shall be well constructed, well ventilated, and designed to protect the health and assure the safety of the animals. Such enclosures shall be constructed or positioned in the vehicle in such a manner that each animal in the vehicle has access to sufficient air for normal breathing, the openings of such enclosures are easily accessible at all times for emergency removal of the animals, and the animals are afforded adequate protection from the elements.

(B) Animals transported in the same primary enclosure shall be compatible. Socially dependent animals (e.g., siblings, dam, and young cagemates) must be allowed visual and olfactory contact.

(C) Primary enclosures used to transport animals shall be large enough to ensure that each animal contained therein has sufficient space to turn about freely and to make normal postural adjustments; provided, however, that certain species may be restricted in their movements according to professionally acceptable standards when such freedom of movement would constitute a danger to the animals or their handlers.

(D) Animals shall not be placed in primary enclosures over other animals in transit unless each enclosure is fitted with a floor of a material which prevents animal excreta or other wastes from entering lower enclosures.

(E) Primary enclosures used to transport animals shall be cleansed and sanitized before and after each shipment. All bedding in the vehicle shall be clean at the beginning of each trip.

(14) *Food and water requirements.*

(A) Potable water shall be provided to each animal at least once in each 12 hour period except as directed by hibernation, veterinary treatment, or other professionally accepted practices. Those animals which, by common accepted practice, require watering more frequently shall be so watered.

(B) Each animal shall be fed at least once in each 24 hour period except as directed by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices. Those animals which, by common accepted practice, require feeding more frequently shall be so fed.

(C) A sufficient quantity of food and water shall accompany the animal to provide food and water for the animal for a period of at least 24 hours, except as directed by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices.

(15) *Care in transit.*

(A) It shall be the responsibility of the attendant or driver to inspect the animals frequently enough to assure the health and comfort of the animals.

(B) In the event of a breakdown or delay of the vehicle, it is the responsibility of the animal caretaker or vehicle operator to assure that animals get adequate ventilation and protection from fumes, vehicle exhaust, and extremes in temperature and to assure that the animals are not subjected to undue discomfort.

(C) In an emergency concerning the health and welfare of the animals, adequate veterinary care shall be provided without delay.

(16) Nothing in this Code section shall prevent wild animal license or permit holders from processing for meat or meat products animals that are surplus to the primary purpose of their wild animal business. Such processing must be done in compliance with the provisions of Article 3 of Chapter 2 of Title 26, the "Georgia Meat Inspection Act."

HISTORY: Code 1933, § 45-1103, enacted by Ga. L. 1977, p. 396, § 1; Ga. L. 1993, p. 91, § 27; Ga. L. 1994, p. 97, § 27; Ga. L. 1996, p. 1219, § 20.

NOTES:

CROSS REFERENCES. --Georgia Animal Protection Act, § 4-11-1 et seq. Cruelty to animals, § 16-12-4.

JUDICIAL DECISIONS

CITED in *McKinnon v. Streetman*, 192 Ga. App. 647, 385 S.E.2d 691 (1989).

RESEARCH REFERENCES

AM. JUR. 2D. --35A Am. Jur. 2d, *Fish, Game, and Wildlife Conservation*, § 47 et seq.

C.J.S. --36A C.J.S., *Fish*, §§ 34, 37. 38 C.J.S., *Game; Conservation and Protection of Wildlife*, §§ 41, 55, 58.

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O.C.G.A. § 27-5-7 (2007)

§ 27-5-7. Release or escape from captivity

It shall be unlawful for any person to release from captivity any wild animal as defined in paragraph (75) of *Code Section 27-1-2* or to import, transport, sell, transfer, or possess such a wild animal in such a manner so as to cause its release or escape from captivity. In the event a person imports, transports, sells, transfers, or possesses a wild animal in such a manner so as to pose a reasonable possibility that such wild animal may be released accidentally or escape from captivity, the department may revoke the license or permit, or both, of such person pursuant to the procedure set forth in *Code Section 27-2-25*.

HISTORY: Code 1933, § 45-1104, enacted by Ga. L. 1977, p. 396, § 1; Ga. L. 1979, p. 1094, § 13; Ga. L. 1994, p. 1742, § 4.

RESEARCH REFERENCES

AM. JUR. 2D. --35A *Am. Jur. 2d, Fish, Game, and Wildlife Conservation*, § 46 et seq.

C.J.S. --36A C.J.S., *Fish*, §§ 34, 37. 38 C.J.S., *Game; Conservation and Protection of Wildlife*, §§ 41, 55, 58.

ALR. --Owner's or keeper's liability for personal injury or death inflicted by wild animal, 21 ALR3d 603.
Governmental liability from operation of zoo, 92 ALR3d 832.

Liability of United States, under Federal Tort Claims Act (28 *USCS secs. 1346, 2671 et seq.*), for death or injury sustained by visitor to national park or national forest, 66 ALR Fed. 305.

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O.C.G.A. § 27-5-8 (2007)

§ 27-5-8. Seizure of wild animals as contraband; civil action to recover animals

(a) Peace officers authorized to enforce this chapter may seize as contraband any wild animal for which a permit or license, or both, is required and for which no permit or license, or both, has been obtained.

(b) When any peace officer authorized to enforce this chapter has seized as contraband any wild animal, he shall deliver the same to the department. To recover such wild animal, the owner or the person in possession of the wild animal at the time of seizure may file, in the state or superior court having jurisdiction in the county where the seizure was made, a civil action against the State of Georgia, Department of Natural Resources, within 30 days following such seizure. The person filing the action shall have the burden of proof of showing that the wild animal was not held in violation of this title, and the action shall be tried as other civil cases in such court. The wild animal for which the action has been filed shall be held pending the resolution of the action. Reasonable charges for storage shall be paid to the department by the owner and the person in possession of the wild animal at the time of seizure unless it is determined that the seizure was unlawful.

HISTORY: Code 1933, § 45-1104.1, enacted by Ga. L. 1979, p. 1094, § 14; Ga. L. 1985, p. 913, § 5.

JUDICIAL DECISIONS

SEIZURE OF FISH BASED ON WARRANT. --Where fish were seized from a hatchery owner under a warrant issued by the commissioner of the Department of Natural Resources, there was a deprivation of property by way of an established state criminal procedure, the implementation of which was authorized by an official act, and the owner had a claim for pre-deprivation denial of due process, notwithstanding the availability of a post-deprivation remedy under *O.C.G.A. § 27-5-8. Blue Ridge Mt. Fisheries, Inc. v. Department of Natural Resources*, 217 Ga. App. 89, 456 S.E.2d 651 (1995).

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O.C.G.A. § 27-5-9 (2007)

§ 27-5-9. Seizure of wild animals pursuant to administrative order; appeal

(a) Authorized personnel of the department may seize any wild animal regulated by this chapter pursuant to an administrative order or an emergency administrative order issued by the department.

(b) In the event that any person is adversely affected by a seizure pursuant to an administrative order or emergency administrative order issued by the department, such person shall be entitled to appeal such order pursuant to subsection (d) of *Code Section 27-1-37*.

(c) Any wild animal seized under this Code section shall be held until the expiration of the time for filing any administrative appeal and, if such an appeal is filed, pending the resolution of this appeal. Reasonable charges for storage shall be paid to the department by the owner and the person in possession of the wild animal at the time of seizure unless it is determined that the seizure was unlawful.

HISTORY: Code 1933, § 45-1104.2, enacted by Ga. L. 1979, p. 1094, § 14; Ga. L. 1985, p. 913, § 6.

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O.C.G.A. § 27-5-10 (2007)

§ 27-5-10. Disposal of wild animals recaptured after escape or seized under this title

(a) The commissioner may authorize the disposal of any wild animal regulated by this chapter which has escaped and been recaptured or any wild animal which has been seized under this title. Such disposal shall be in the manner determined by the commissioner to be in the best interest of the state and shall not be in violation of this title, provided that no such disposal shall be made until there has been a final adjudication of any civil or administrative proceeding commenced by any person authorized to do so by this title.

(b) Notwithstanding any other provisions of this title, when a wild animal regulated by this chapter has escaped, the commissioner or the commissioner's designee may authorize the destruction of the wild animal by employees or agents if it is determined that the wild animal poses a threat to the safety of human beings, threatens the well-being of wildlife populations, or if it is determined that there is very little likelihood that the wild animal can be recaptured.

HISTORY: Code 1933, § 45-1105, enacted by Ga. L. 1977, p. 396, § 1; Ga. L. 1978, p. 816, § 69; Ga. L. 1979, p. 1094, § 15; Ga. L. 1997, p. 1395, § 5.

RESEARCH REFERENCES

AM. JUR. 2D. --35A *Am. Jur. 2d, Fish, Game, and Wildlife Conservation*, §§ 46 et seq., 57 et seq.

C.J.S. --36A C.J.S., *Fish*, §§ 28, 34, 38, 45, 46. 38 C.J.S., *Game; Conservation and Protection of Wildlife*, § 61 et seq.

ALR. --Escape of wild animal from confinement as affecting property rights, 52 ALR 1061.

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O.C.G.A. § 27-5-11 (2007)

§ 27-5-11. Wild animal auction license; applications; filing requirements

(a) As used in this Code section, the term "auction" means a public or private sale of wild animals to the highest bidder.

(b) No person shall conduct an auction of wild animals without first obtaining a wild animal auction license from the department. Such license shall be good only for a specific auction of not more than seven days in duration at a single location.

(c) All applications for a wild animal auction license shall include:

(1) A \$5,000.00 wild animal auction license fee which shall be refunded if the application is denied;

(2) A cash bond or surety bond issued by a surety company authorized to do business in this state in the amount of \$50,000.00 made payable to the commissioner and conditioned upon the applicant's conducting the auction in accordance with this chapter, any regulations issued by the board pursuant to this chapter, and the terms and conditions of the applicant's wild animal auction license;

(3) A description by species and number of the wild animals to be sold at auction and plans of the facilities to be used to house such wild animals which include an explanation of which facilities are to house which animals;

(4) A certificate or policy of insurance issued to the auctioneer and the owner of the auction facilities meeting all the requirements of subsection (f) of *Code Section 27-5-4* if any wild animals inherently dangerous to human beings are to be sold at auction;

(5) A description of facilities to be provided for the obtainment of any insurance required by subsection (f) of *Code Section 27-5-4* for persons who buy wild animals at the auction and an affidavit from an officer or agent of such an insurer that it is ready, willing, and able to provide such insurance;

(6) Authorization for the department to inspect the proposed facilities for the auction prior to a determination on the application and, if the application is granted, at any time thereafter until all wild animals have been removed from the premises of the auction;

(7) Copies of all materials to be distributed to the public or potential participants about the auction; and

(8) Such other information as the commissioner deems necessary for the department to discharge its responsibilities under this Code section.

(d) No application for a wild animal auction license shall be considered unless it is filed and completed at least 60 days prior to the proposed auction. The department shall have 30 days to respond to a completed application.

(e) All other provisions of this chapter, including, without limitation, those relating to licensing, insurance, humane handling, care, confinement and transportation of wild animals, and seizure and disposal of wild animals shall be applicable to a wild animal auction and any participants therein.

HISTORY: Code 1981, § 27-5-11, enacted by Ga. L. 1985, p. 913, § 7.

NOTES:

CROSS REFERENCES. --Sales by auction generally, § 11-2-328. Regulation of business of auctioneers generally, § 43-6-1 et seq.

RESEARCH REFERENCES

Am. Jur. Pleading and Practice Forms. --2C Am. Jur. Pleading and Practice Forms, Auctions and Auctioneers, § 2.
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O.C.G.A. § 27-5-12 (2007)

§ 27-5-12. Shooting of any wild animal held under wild animal permit or farmed deer

It shall be unlawful to shoot, kill, or wound any wild animal held under a wild animal license or permit or any farmed deer for enjoyment, gain, amusement, or sport. This Code section does not prohibit:

- (1) A licensed veterinarian from diagnosing, treating, or performing other duties within the standards of veterinary practice on a farmed deer;
- (2) The slaughter of wild animals or farmed deer in compliance with the provisions of paragraph (16) of *Code Section 27-5-6* and with the laws of this state relating to the slaughter of livestock; or
- (3) The recapture or disposal of farmed deer which have escaped and which have become classified as wild animals pursuant to *Code Section 4-4-174* or the disposal of wild animals according to *Code Section 27-5-10*.

HISTORY: Code 1981, § 27-5-12, enacted by Ga. L. 1997, p. 1395, § 6.

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