

LEGISLATIVE TEMPLATE: STATE ELEPHANT IVORY TRADE MORATORIUM

AN ACT to amend the []¹, by establishing a moratorium on the sale, offer for sale, , trade, barter or purchase of elephant ivory products; and providing for the repeal of such provisions upon the finding that illegal killing no longer significantly threatens the wild elephant population in any region of Africa and Asia.

THE PEOPLE OF THE STATE OF []², REPRESENTED IN THE SENATE AND []³, DO ENACT AS FOLLOWS:

Section 1. Legislative Findings.

1. The legislature hereby finds that:

- (a) With an estimated value of between \$10 billion and \$20 billion per year, the illegal wildlife trade is a major transnational crime run by professional criminal networks and is strongly linked to other transnational organized criminal activities, including trafficking in narcotics, weapons and humans;
- (b) There is significant evidence that illegal trade in high-value wildlife parts, including elephant ivory, is being used as a source of financing for criminal organizations and armed groups that pose a threat to U.S. economic and security interests in Africa and elsewhere, including the Lord's Resistance Army, Sudanese militias and other groups with potential terrorist ties;
- (c) Illegal trade in elephant ivory is the most significant threat to Africa's elephant populations and is driving the mass slaughter of elephants, especially across Central and Eastern Africa;
- (d) Approximately 35,000 African elephants were poached in 2012 alone and Central Africa's forest elephant populations have declined by 75% in the last decade, including significant elephant losses inside protected areas;
- (e) The United States is one of the largest markets in the world for ivory sales, and because current laws allow for the legal trade in certain ivory products and include broad loopholes and exemptions, there is significant illegal trade in ivory in the United States;
- (f) Each individual state of the United States can help conserve remaining wild elephant populations and act as a conservation model for other states, the federal government and other major ivory consuming countries, by instituting a moratorium on ivory trade, and calling on other states and countries to do the same.

Section 2. The []⁴ is amended by adding a new section []⁵ as follows:

- 1. Notwithstanding any other provision of this chapter, for a minimum period of ten years from the effective date of this section, no individual, firm, corporation, association or partnership within the state of []⁶,

¹ Insert most relevant body of applicable statutory law for the specific state. For example: "environmental conservation law" or "penal code."

² Insert state.

³ Insert applicable title for legislative chamber other than the Senate. For example: "Assembly" or "House of Representatives."

⁴ Insert applicable statutory law heading from note 1.

⁵ Insert new numerical section heading depending on placement within existing law.

⁶ Insert state from note 2.

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shall sell, offer for sale, trade, barter or purchase elephant ivory product, in order to allow time for the reversal of the poaching-related decline in wild elephant populations.

- (a) The []⁷ shall suspend the moratorium no sooner than ten years after the effective date, if after notice and public hearing, the []⁸ finds:
- (1) The CITES MIKE program's Proportion of Illegally Killed Elephants metric is less than 50% in each of the following regions: Southern, East, Central and West Africa, and Asia, including South and South East Asia; or, if this data is not available,
 - (2) The best scientific and commercial data available to the Department of Interior indicate that illegal killing no longer significantly threatens any elephant population in any region of Africa, including Southern, East, Central and West Africa, and Asia, including South and South East Asia.
- (b) For purposes of this section, the term "elephant ivory product" shall mean raw or worked ivory from any species of elephant.
- (c) For purposes of this section, the term MIKE refers to the CITES "Monitoring the Illegal Killing of Elephants" program, which provides data and other information on elephant population trends and trends in the rates of illegal killing of elephants.
- (d) The []⁹ shall have the authority to include within the restrictions of this section, by regulation filed with the []¹⁰, ivory product from any other species of wildlife designated as endangered or threatened by the Secretary of the Interior, provided however, that such regulation shall take effect six months after it has been filed with the []¹¹.
- (e) Any person who violates any provision of this section or any rule or regulation promulgated thereunder, is guilty of a felony, and shall be subject to a fine []¹² and imprisonment of []¹³.

Section 3. If any provision of this Act or the application thereof to any person or circumstances is found invalid, such invalidity shall not affect other provisions or applications of this Act that can be given effect without implementation of the invalid provision or application, and to this end, the provisions of the Act are severable and independent.

Section 4. This Act shall take effect six months after it shall have become law.

⁷ Insert title of agency or executive authority that will evaluate the CITES MIKE metric or other data, and suspend the moratorium if warranted. For example: "Commissioner of department of environmental conservation."

⁸ Insert title from note 7.

⁹ Insert title from note 7.

¹⁰ Insert title of applicable state official. For example: "Secretary of State" or "Secretary of the Commonwealth."

¹¹ Insert title from note 10.

¹² Insert amount of fine. Recommended: "not exceeding the higher of five thousand dollars or double the amount of the defendant's gain from the commission of the crime."

¹³ Insert maximum number of years of prison sentence. Recommended: "not more than fifteen years."