WILDLIFE TRAFFICKING
Overview

Illegal ivory and rhino horn trafficking is an escalating global issue. Elephants and rhinos may soon be driven to extinction by poaching. The demand for elephant ivory and rhino horn, driven by China, Japan, the Philippines, the United States and other countries, has created a massive international market that has detrimental economic, social and environmental impacts in Africa. Poaching is now a sophisticated international crime racket and a national security threat with terrorist organizations using profits to finance attacks.

The U.S. Fish and Wildlife Service recently instituted a near ban on ivory and rhino import and domestic interstate trade. But the states must regulate in-state sales. Many states have enacted or introduced a ban on ivory and rhino horn trades in their jurisdictions.

Legislation

- In 2017, at least 13 states considered bills to address wildlife trafficking, including Maryland (HB686) and New Mexico (SB81). A full list of 2017 bills is available here.
- Some state bills include exemptions from ivory and rhino horn bans, such as antiques, musical instruments, and weapons within certain parameters; scientific, educational or museum purposes; and inheritance.

KEY POINTS

- Wildlife poaching is worth up to $20 billion per year, and ranks only behind narcotics, weapons, and human trafficking in international crime activities.
- More than 30,000 elephants are killed annually, close to 100 elephants every day. At this rate elephants will be extinct in 10-20 years. Meanwhile, there are only 28,000 rhinos left globally, and 20,000 of these are the Southern white rhino.
- At least one-third of ivory sold in the U.S. was illegally imported from recently poached elephants. Recent investigations revealed that up to 90% of ivory sold in Los Angeles and Hawaii was illegal.

Other Resources

- Find current legislation and resources at http://ncel.net/wildlife-trafficking

For more information, contact NCEL Conservation & Climate Adaptation Coordinator, Ruth Musgrave, at ruth@ncel.net
<table>
<thead>
<tr>
<th>Exemptions</th>
<th>New Jersey</th>
<th>New York</th>
<th>California</th>
<th>Washington</th>
<th>Hawaii</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animals Covered</td>
<td>El, Rhi, Hip, Mam, Nar, Wal, Whl</td>
<td>El, Rhi, Mam</td>
<td>El, Rhi, Hip, Mam, Wal, Whl, Whl, Nwl</td>
<td>El, Rhi, Lion, Tig, Ch, Leop, Pan, Ray, Sh, SeaT</td>
<td>El, Rhi, Mam, Mas, Lion, Tig, Ch, Jag, Leop, Hip, Pan, GrApe, Nar, Whl, Wal, MkSeal, Ray, SeaT, Sh</td>
</tr>
<tr>
<td>Prohibitions</td>
<td>Import, sale, purchase, possess w/intent to sell, barter</td>
<td>Sale, offer to sell, purchase, trade possess w/intent, barter, distribute</td>
<td>Sale, offer to sell, purchase, trade possess w/intent, barter, sell, offer for sale, purchase</td>
<td>Sale, offer to sell, purchase, trade possess w/intent, barter, distribute</td>
<td>Sale, offer to sell, purchase, trade possess w/intent, barter</td>
</tr>
<tr>
<td>Qualifications</td>
<td>Animals with ivory teeth or tusks, including El &amp; Rh</td>
<td>N/A</td>
<td>N/A</td>
<td>As listed by IUCN or TRAFFIC or other cons. orgs.</td>
<td>Land=CITES I or II, ESA T or E; Marine =CITES I, ESA</td>
</tr>
<tr>
<td>Federal</td>
<td>Import ok if expressly auth'd. by fed.license or permit</td>
<td>Sale expressly auth'd. by fed.law or permit</td>
<td>Federal auth. Or permit</td>
<td>Sale expressly auth’d. by fed. law or permit</td>
<td>Federal auth. Or permit</td>
</tr>
<tr>
<td>Antique</td>
<td>N/A</td>
<td>Doc. showing prov., not &lt; 100 yrs + &lt; 20% vol. + Component of mfg. item</td>
<td>Doc. showing prov., not &lt; 100 yrs + &lt; 15% vol. + Component of mfg. item</td>
<td>Doc. showing prov., not &lt; 100 yrs + &lt; 15% vol. + Component of mfg. item</td>
<td>Not &lt; 100 yrs + &lt; 20% vol. + Component of mfg. item</td>
</tr>
<tr>
<td>Weapons</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>&lt;20% vol. + doc. Showing older than 1975 + component of mfg. item</td>
</tr>
<tr>
<td>Musical Instruments</td>
<td>N/A</td>
<td>W/proof of provenance &amp; mfg. no later than 1975</td>
<td>&lt;20% vol. + doc. Showing older than 1975</td>
<td>&lt;15% by volume</td>
<td>&lt;20% vol. + doc. Showing older than 1975 + component of mfg. item</td>
</tr>
<tr>
<td>Estate/Heir</td>
<td>Distib. To legal ben. thru inheritance</td>
<td>Distib. To legal ben. thru inheritance</td>
<td>Distib. To legal ben. thru inheritance</td>
<td>Distib. To legal ben. thru inheritance</td>
<td>Distrib. To legal ben. thru inheritance</td>
</tr>
<tr>
<td>Science, Museum, Donate</td>
<td>DEP may permit and set terms/conditions for sale, etc. for bona fide scientific, educ.purpose, unless fed law prohibits</td>
<td>Distrib. For scientific, educ. purpose, to/from museum</td>
<td>Distrib. For scientific, educ. purpose, to/from museum</td>
<td>Distrib. For scientific, educ. purpose, to/from museum</td>
<td>Distrib. For scientific, educ. purpose, to/from museum</td>
</tr>
<tr>
<td>Native American</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Traditional cultural practices under state const.</td>
</tr>
<tr>
<td>1st offense</td>
<td>Disorderly persons offense: fine not &lt;$1000 or twice total value, whichever greater</td>
<td>Not &gt;$3000 or twice item value, whichever greater</td>
<td>Value up to $250: Not &lt;$5000, up to $40,000, up to 1 yr. jail or both</td>
<td>Gross misdemeanor: value &lt;$250 - $2,000 fine to/from acct + forfeiture</td>
<td>Misdemeanor: Fine not &lt;$200 or jail not &gt;1yr or both</td>
</tr>
<tr>
<td>2nd offense</td>
<td>Crime of 4th degree: fine not &lt;$5000 or twice item value, whichever greater</td>
<td>Not &gt;$6000 or 3X item value, whichever greater</td>
<td>Value up to $250: fine not &gt;$1,000 up to $10,000 plus up to 30 days jail or both, plus forfeiture and disposal</td>
<td>Class C felony: value equal or &gt;$250 - subsequent offense, or other wildlife vio w/in 5 yrs - double fine + forfeit.</td>
<td>Misdemeanor: (if w. in 5 yrs of 1st offense): Fine not &lt;$1000 or jail not &gt;1yr or both, plus all items forfeited and disposed of by State</td>
</tr>
<tr>
<td>Subsequent offense</td>
<td>Court to seize items, assess value and fine, transfer items to DEP to destroy or donate</td>
<td>Same as above, and if value is &gt;$25k: Class D felony</td>
<td>Same as above</td>
<td>Same as above</td>
<td>If w. in 5 yrs of other convictions: Fine not &lt;$2000 or jail not &gt;1yr or both; items forfeited and disposed</td>
</tr>
<tr>
<td>Grandfather Clause?</td>
<td>No</td>
<td>Yes - if could sell under a permit or license valid on date of enactm., can sell until license expires</td>
<td>Yes; Legally acquired before 1991, not sold after 7.1.16</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Severability Clause?</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Intent</td>
<td>Presumptive evidence of intent if possessed by retail outlet selling similar</td>
<td>For any sale/distrib under an exemption: DEP Comm’t may issue permit or license to distribute, unless fed law or rule prohibits</td>
<td>Prima facie evid. of intent if possessed by retail est. selling similar</td>
<td>Rebuttable presumption of intent if possessed by retail est. selling similar</td>
<td>Rebuttable presumption of intent if possessed by retail est. selling similar</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

An Excel Spreadsheet version of this chart is available here: goo.gl/m7315w
Jurisdictions with Bills

Georgia

Bill Number: SB 383
Bill Title: Wild Animals; sale, distribution, and possession of ivory and rhinoceros horn; regulate
Sponsor: Nan Orrock
Introduced Date: 02/02/2018
Last Action: Senate Read and Referred - (02/05/2018)

Illinois
**Bill Number:** HB 4843  
**Bill Title:** IVORY BAN  
**Sponsor:** Martin J. Moylan  
**Introduced Date:** 02/14/2018  
**Last Action:** Sent to the Governor - (06/22/2018)

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**Indiana**

**Bill Number:** HB 1156  
**Bill Title:** A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.  
**Sponsor:** B. Patrick Bauer  
**Introduced Date:** 01/08/2018  
**Last Action:** Representative Zent added as coauthor - (01/18/2018)

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**Massachusetts**

**Bill Number:** S 2575  
**Bill Title:** An Act relative to ivory and rhinoceros horn trafficking  
**Introduced Date:** 06/21/2018  
**Last Action:** Bill Created - (06/25/2018)

**Bill Number:** S 2382  
**Bill Title:** An Act relative to ivory and rhino horn trafficking  
**Sponsor:** Joint Committee on Environment, Natural Resources and Agriculture  
**Introduced Date:** 03/29/2018  
**Last Action:** Amendment # (Spilka) adopted - (06/25/2018)

**Bill Number:** S 2553  
**Bill Title:** An Act relative to ivory and rhinoceros horn trafficking  
**Sponsor:** Senate Committee on Ways and Means  
**Introduced Date:** 06/14/2018  
**Last Action:** Read third and passed to be engrossed - (06/21/2018)

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**Maryland**

**Bill Number:** HB 712  
**Bill Title:** Natural Resources - Wildlife Trafficking Prevention  
**Sponsor:** Eric G. Luedtke  
**Introduced Date:** 01/31/2018  
**Last Action:** First Reading Environment and Transportation - (01/31/2018)

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**Mississippi**

**Bill Number:** SB 2236  
**Bill Title:** Wildlife Trafficking Prevention Act; enact.  
**Sponsor:** Jackson  
**Introduced Date:** 01/09/2018  
**Last Action:** Died In Committee - (01/30/2018)
Nebraska

Bill Number: LB 39
Bill Title: Prohibit the sale and trade of ivory
Sponsor: Burke Harr
Introduced Date: 01/05/2017
Last Action: Indefinitely postponed - (04/18/2018)

New Hampshire

Bill Number: SB 451
Bill Title: relative to wildlife trafficking.
Sponsor: David H Watters
Introduced Date: 12/20/2017
Last Action: Signed by the Governor on 06/08/2018; Chapter 0226; Effective 01/01/2019 - (06/14/2018)

New York

Bill Number: S 8988
Bill Title: Increases certain penalties related to endangered and threatened species
Introduced Date: 06/11/2018
Last Action: RECOMMIT, ENACTING CLAUSE STRICKEN - (06/13/2018)

Bill Number: A 1492
Bill Title: Increases certain penalties and authorizes the payment of rewards for aid in the apprehension and conviction of persons guilty of certain felonies or
Sponsor: ENGLEBRIGHT
Introduced Date: 01/12/2017
Last Action: PASSED ASSEMBLY - (02/27/2018)

Bill Number: S 1415
Bill Title: Increases certain penalties and authorizes the payment of rewards for aid in the apprehension and conviction of persons guilty of certain felonies or
Sponsor: Tony Avella
Introduced Date: 01/09/2017
Last Action: REFERED TO ENVIRONMENTAL CONSERVATION - (01/03/2018)

Oklahoma

Bill Number: HB 2511
Bill Title: Game and fish; prohibiting the sale or purchase of ivory or ivory products; providing penalties; effective date.
Sponsor: Tess Teague
Introduced Date: 02/05/2018
Last Action: Withdrawn from Wildlife Committee - (02/26/2018)

Oregon
Bill Number: HB 2576
Bill Title: Relating to exceptions to wildlife trafficking prevention program; declaring an emergency.
Sponsor: Dan Rayfield
Introduced Date: 01/09/2017
Last Action: Chapter 107, (2017 Laws): Effective date May 18, 2017. - (05/30/2017)

Rhode Island

Bill Number: HB 7184
Bill Title: AN ACT RELATING TO CRIMINAL OFFENSES - SALE OF IVORY OR RHINOCEROS HOrNS (Prohibits/establishes criminal penalties for the importing/selling/offering for
Sponsor: Camille Vella-Wilkinson
Introduced Date: 01/17/2018
Last Action: 02/06/2018 Committee recommended measure be held for further study - (02/06/2018)

Virginia

Bill Number: HB 920
Bill Title: Endangered species; sale of items made from certain animals, penalty.
Sponsor: Alfonso H. Lopez
Introduced Date: 01/09/2018
Last Action: Left in Agriculture, Chesapeake and Natural Resources - (02/13/2018)