

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1049
Committee Substitute Favorable 4/30/97

Short Title: Increase Cruelty to Animals Penalty.

(Public)

Sponsors:

Referred to:

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PENALTY FOR CRUELTY TO ANIMALS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-360 reads as rewritten:

"§ 14-360. Cruelty to animals; construction of section.

(a) If any person shall willfully overdrive, overload, wound, injure, ~~torture, torment, or deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill or cause or procure to be overdriven, overloaded, wounded, injured, tortured, tormented, or deprived of necessary sustenance, cruelly beaten, needlessly mutilated or killed as aforesaid, any useful beast, fowl or any animal,~~ every such offender shall for every such offense be guilty of a Class 1 misdemeanor. ~~In this section, and in every law which may be enacted relating to animals, the words "animal" and "dumb animal" shall be held to include every living creature; the words "torture," "torment" or "cruelty" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted. Such terms shall not be construed to prohibit the lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission.~~

(b) If any person shall willfully torture, torment, mutilate, maim, cruelly beat, disfigure, poison, or kill, or cause or procure to be tortured, tormented, mutilated, maimed, cruelly beaten, disfigured, poisoned, or killed, any animal, every such offender

1 shall for every such offense be guilty of a Class I felony. The word 'willfully', as used in
2 this subsection, shall mean an act done intentionally, with bad motive or purpose and
3 without justifiable excuse.

4 (c) In this section, the term 'animal' shall be held to include every domestic or
5 otherwise useful animal. This section shall not apply to animals under the jurisdiction
6 and regulation of the Wildlife Resources Commission, lawful activities conducted for
7 purposes of biomedical research or training, lawful activities for sport or other lawful
8 entertainment, the production of livestock or poultry, or the lawful destruction of any
9 animal for the purpose of protecting the public, other animals, the public health, or for
10 lawful veterinary purposes."

11 Section 2. This act becomes effective December 1, 1997, and applies to
12 offenses committed on or after that date.