

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SENATE BILL 646
RATIFIED BILL

AN ACT TO MAKE IT A CRIMINAL OFFENSE TO HARM OR ATTEMPT TO HARM A LAW ENFORCEMENT AGENCY ANIMAL OR AN ASSISTANCE ANIMAL, OR TO OBSTRUCT, DELAY, TEASE, OR HARASS THE ANIMAL IN THE PERFORMANCE OF ITS DUTIES AS A LAW ENFORCEMENT AGENCY ANIMAL OR ASSISTANCE ANIMAL, AND TO MAKE IT UNLAWFUL TO RESTRAIN A DOG BY A CHAIN OR WIRE GROSSLY IN EXCESS OF THE SIZE NECESSARY TO RESTRAIN THE DOG SAFELY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-163.1 reads as rewritten:

"§ 14-163.1. ~~Injuring, maiming, or killing law enforcement~~Assaulting a law enforcement agency animal or an assistance animal.

~~Any person who knows or has reason to know that an animal is used for law enforcement purposes such as investigation, detection of narcotics or explosives, or crowd control, by any law enforcement agency and who willfully and not in self defense, causes serious injury to, maims, or kills that animal is guilty of a Class I felony.~~

(a) The following definitions apply in this section:

- (1) Assistance animal. – An animal that is trained and may be used to assist a 'handicapped person' as defined in G.S. 168-1. The term 'assistance animal' is not limited to a dog and includes any animal trained to assist a handicapped person as provided in Article 1 of Chapter 168 of the General Statutes.
- (2) Law enforcement agency animal. – An animal that is trained and may be used to assist a law enforcement officer in the performance of the officer's official duties.
- (3) Physical harm. – Any injury, illness, or other physiological impairment.
- (4) Serious physical harm. – Physical harm that does any of the following:
 - a. Creates a substantial risk of death.
 - b. Causes maiming or causes substantial loss or impairment of bodily function.
 - c. Causes acute pain of a duration that results in substantial suffering.

(b) Any person who knows or has reason to know that an animal is a law enforcement agency animal or an assistance animal and who willfully causes or attempts to cause serious physical harm to the animal is guilty of a Class I felony.

(c) Unless the conduct is covered under some other provision of law providing greater punishment, any person who knows or has reason to know that an animal is a law enforcement agency animal or an assistance animal and who willfully causes or attempts to cause physical harm to the animal is guilty of a Class 1 misdemeanor.

(d) Unless the conduct is covered under some other provision of law providing greater punishment, any person who knows or has reason to know that an animal is a law enforcement agency animal or an assistance animal and who willfully taunts, teases, harasses, delays, obstructs, or attempts to delay or obstruct the animal in the

performance of its duty as a law enforcement agency animal or assistance animal is guilty of a Class 2 misdemeanor.

(e) This section shall not apply to a licensed veterinarian whose conduct is in accordance with Article 11 of Chapter 90 of the General Statutes.

(f) Self-defense is an affirmative defense to a violation of this section."

SECTION 2. Article 47 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-362.3. Restraining dogs in a cruel manner.

A person who maliciously restrains a dog using a chain or wire grossly in excess of the size necessary to restrain the dog safely is guilty of a Class 1 misdemeanor. For purposes of this section, 'maliciously' means the person imposed the restraint intentionally and with malice or bad motive."

SECTION 3. Section 1 of this act becomes effective December 1, 2001, and applies to offenses committed on or after that date. Prosecutions for offenses committed under Section 1 before its effective date are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions. The remainder of this act becomes effective December 1, 2001, and applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 6th day of September, 2001.

Marc Basnight
President Pro Tempore of the Senate

James B. Black
Speaker of the House of Representatives

Michael F. Easley
Governor

Approved _____ .m. this _____ day of _____, 2001