

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 995

Short Title: Increase Penalty/Starvation of Animals. (Public)

Sponsors: Representatives McElraft; Allred, Avila, Boylan, Current, Dollar, Fisher, Folwell, Frye, Glazier, T. Harrell, Harrison, Hilton, Howard, Hurley, Insko, Lewis, McComas, McGee, Moore, Neumann, Samuelson, Stam, Tillis, Underhill, Walker, and Wiley.

Referred to: Judiciary III.

March 26, 2007

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PENALTY FOR THE INTENTIONAL STARVATION OF AN ANIMAL.

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 intentionally overdrive, overload, wound, injure, torment, or kill, or deprive of necessary sustenance, or cause or procure to be overdriven, overloaded, wounded, injured, tormented, killed, or deprived of necessary sustenance, any animal, every such offender shall for every such offense be guilty of a Class 1 misdemeanor.

(b) If any person shall maliciously torture, mutilate, maim, cruelly beat, disfigure, poison, or kill, or kill by intentional deprivation of necessary sustenance, or cause or procure to be tortured, mutilated, maimed, cruelly beaten, disfigured, poisoned, or killed, or killed by intentional deprivation of necessary sustenance, any animal, every such offender shall for every such offense be guilty of a Class I felony. However, nothing in this section shall be construed to increase the penalty for cockfighting provided for in G.S. 14-362.

(c) As used in this section, the words "torture", "torment", and "cruelly" include or refer to any act, omission, or neglect causing or permitting unjustifiable pain, suffering, or death. As used in this section, the word "intentionally" refers to an act committed knowingly and without justifiable excuse, while the word "maliciously" means an act committed intentionally and with malice or bad motive. As used in this section, the term "animal" includes every living vertebrate in the classes Amphibia, Reptilia, Aves, and Mammalia except human beings. However, this section shall not apply to the following activities:

- 1 (1) The lawful taking of animals under the jurisdiction and regulation of
2 the Wildlife Resources Commission, except that this section shall
3 apply to those birds exempted by the Wildlife Resources Commission
4 from its definition of "wild birds" pursuant to G.S. 113-129(15a).
5 (2) Lawful activities conducted for purposes of biomedical research or
6 training or for purposes of production of livestock, poultry, or aquatic
7 species.
8 (2a) Lawful activities conducted for the primary purpose of providing food
9 for human or animal consumption.
10 (3) Activities conducted for lawful veterinary purposes.
11 (4) The lawful destruction of any animal for the purposes of protecting the
12 public, other animals, property, or the public health."

13 **SECTION 2.** This act becomes effective December 1, 2007, and applies to
14 offenses committed on or after that date. Prosecutions for offenses committed before
15 the effective date of this act are not abated or affected by this act, and the statutes that
16 would be applicable but for this act remain applicable to those prosecutions.