

§ 14-419. Investigation of suspected violations; seizure and examination of reptiles; disposition of reptiles.

(a) In any case in which a law-enforcement officer or animal control officer has probable cause to believe that any of the provisions of this Article have been or are about to be violated, the officer is authorized and empowered to immediately investigate the violation or impending violation and to consult with representatives of the North Carolina Museum of Natural Sciences or the North Carolina Zoological Park or a designated representative of the North Carolina Department of Natural and Cultural Resources to identify the species, assist with determining interim disposition, and recommend appropriate and safe methods to handle and seize the reptile or reptiles involved. In the case of escape, or if an officer, with probable cause to believe that reptile is being owned, possessed, used, transported, or trafficked in violation of this Article, determines that there is an immediate risk to officer safety or public safety, the officer shall not be required to consult with representatives as provided by this subsection and may kill the reptile.

(b) If, based on available information, the officer, the Museum, the Zoological Park or a designated representative of the Department of Natural and Cultural Resources finds that a seized reptile is a venomous reptile, large constricting snake, or crocodilian regulated under this Article, the Museum or the Zoological Park or a designated representative of the Department of Natural and Cultural Resources shall assist the officer with determining an interim disposition of the reptile in a manner consistent with the safety of the public, until a final disposition is determined by a court of competent jurisdiction. In the case of a venomous reptile for which antivenin approved by the United States Food and Drug Administration is not readily available, the reptile may be euthanized unless the species is protected under the federal Endangered Species Act of 1973. Where euthanasia is determined to be the appropriate interim disposition, or where a reptile seized pursuant to this Article dies of natural or unintended causes, the parties involved shall not be liable to the reptile's owner.

(b1) Upon conviction of any offense contained in this Article, the court shall order a final disposition of the confiscated venomous reptiles, large constricting snakes, or crocodilians, which may include the transfer of title to the State of North Carolina and shall include reimbursement by the owner for the expenses incurred in the seizure, delivery, and storage thereof.

(c) If the reptile is not a venomous reptile, large constricting snake, or crocodilian regulated under this Article, and either no criminal citations, warrants, or indictments are initiated against the owner in connection with the reptile within 10 days of initial seizure, or a court of law determines that the reptile is not being owned, possessed, used, transported, or trafficked in violation of this Article, then it shall be the duty of the law enforcement officer to return the reptile or reptiles to the person from whom they were seized within 15 days of the seizure. (1949, c. 1084, s. 4; 1981, c. 203, s. 1; 1993, c. 561, s. 116(g); 2009-344, s. 1; 2013-413, s. 38(b); 2014-115, s. 17; 2014-120, s. 39; 2017-10, s. 3.17(a); 2019-204, s. 10(d).)