

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

1

SENATE BILL 1058

Short Title: Amend Assault Assistance Animal.

(Public)

Sponsors: Senator Dalton.

Referred to: Judiciary II.

March 24, 2005

A BILL TO BE ENTITLED

AN ACT TO MAKE IT A CRIMINAL OFFENSE TO ASSAULT AN ASSISTANCE ANIMAL WITH THE INTENT TO CAUSE PSYCHOLOGICAL HARM TO THE ANIMAL.

The General Assembly of North Carolina enacts:

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

"§ 14-163.1. Assaulting a law enforcement agency animal or an assistance animal.

(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 with a disability~~" as defined in ~~G.S. 168-1~~. G.S. 168A-3. The term "assistance animal" is not limited to a dog and includes any animal trained to assist a ~~handicapped person with a disability~~ 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.

(5) Psychological harm. – Any mental or behavioral impairment that impedes or interferes with duties performed by a law enforcement agency animal or assistance animal.

1 (6) Serious psychological harm. – Psychological harm that does any of the
2 following:

3 a. Requires retraining of the law enforcement agency animal or
4 assistance animal.

5 b. Requires retirement of the law enforcement agency animal or
6 assistance animal from performing duties.

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

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

16 (d) Unless the conduct is covered under some other provision of law providing
17 greater punishment, any person who knows or has reason to know that an animal is a
18 law enforcement agency animal or an assistance animal and who willfully taunts, teases,
19 harasses, delays, obstructs, or attempts to delay or obstruct the animal in the
20 performance of its duty as a law enforcement agency animal or assistance animal is
21 guilty of a Class 2 misdemeanor.

22 (d1) A defendant convicted of a violation of this section shall be ordered to make
23 restitution to the person with a disability, or to a person, group, or law enforcement
24 agency who owns or is responsible for the care of the law enforcement agency animal
25 for any of the following as appropriate:

26 (1) Veterinary, medical care, and boarding expenses for the assistance
27 animal or law enforcement animal.

28 (2) Medical expenses for the person with the disability.

29 (3) Replacement and training or retraining expenses for the assistance
30 animal or law enforcement animal without any differentiation for the
31 age of the animal.

32 (4) Expenses for a person to provide temporary mobility services to the
33 person with a disability.

34 (5) Lost wages or income as a result of receiving training or retraining.

35 (6) The salary of the animal handler for the period of time the services are
36 lost to the law enforcement agency.

37 (7) Any other expense reasonably incurred as a result of the offense.

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

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

41 (g) Nothing in this section shall affect any civil remedies available for violation
42 of this section."

43 **SECTION 2.** This act becomes effective December 1, 2005, and applies to
44 offenses committed on or after that date.