

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 1058
Judiciary II Committee Substitute Adopted 5/16/05

Short Title: Amend Assault Assistance Animal.

(Public)

Sponsors:

Referred to:

March 24, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND THE SCOPE OF THE CRIMINAL OFFENSE OF ASSAULT
3 ON AN ASSISTANCE ANIMAL AND TO REQUIRE RESTITUTION.

4 The General Assembly of North Carolina enacts:

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

6 **"§ 14-163.1. Assaulting a law enforcement agency animal or an assistance animal.**

7 (a) The following definitions apply in this section:

8 (1) Assistance animal. – An animal that is trained and may be used to
9 assist a ~~"handicapped person"~~ "person with a disability" as defined in
10 ~~G.S. 168-1.~~ G.S. 168A-3. The term "assistance animal" is not limited
11 to a dog and includes any animal trained to assist a ~~handicapped~~
12 ~~person~~ with a disability as provided in Article 1 of Chapter 168 of the
13 General Statutes.

14 (2) Law enforcement agency animal. – An animal that is trained and may
15 be used to assist a law enforcement officer in the performance of the
16 officer's official duties.

17 (3) ~~Physical harm.~~ Harm. – Any injury, illness, or other physiological
18 ~~impairment.~~ impairment; or any behavioral impairment that impedes or
19 interferes with duties performed by a law enforcement agency animal
20 or an assistance animal.

21 (4) Serious ~~physical harm.~~ Harm that does any of the
22 following:

23 a. Creates a substantial risk of death.

24 b. Causes maiming or causes substantial loss or impairment of
25 bodily function.

26 c. Causes acute pain of a duration that results in substantial
27 suffering.

28 d. Requires retraining of the law enforcement agency animal or
29 assistance animal.

1 e. Requires retirement of the law enforcement agency animal or
2 assistance animal from performing duties.

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

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

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

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

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

22 (2) Medical expenses for the person with the disability relating to the harm
23 inflicted upon the assistance animal.

24 (3) Replacement and training or retraining expenses for the assistance
25 animal or law enforcement animal.

26 (4) Expenses incurred to provide temporary mobility services to the
27 person with a disability.

28 (5) Wages or income lost while the person with a disability is with the
29 assistance animal receiving training or retraining.

30 (6) The salary of the law enforcement agency animal handler as a result of
31 the lost services to the agency during the time the handler is with the
32 law enforcement agency animal receiving training or retraining.

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

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

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

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

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