

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 807

Short Title: Public Safety Registration. (Public)

Sponsors: Senator Jones.

Referred to: Judiciary II.

March 25, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT PROVIDING FOR THE PROTECTION OF THE PUBLIC AGAINST THE  
3 HEALTH AND SAFETY RISKS THAT CERTAIN CHARACTERISTICALLY WILD  
4 ANIMALS POSE TO THE COMMUNITY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. The General Statutes are amended by adding a new Chapter to read:

7 **Chapter 19B.**

8 **"Characteristically Wild Animals.**

9 **"§ 19B-1. Definitions.**

10 The following terms as used in this Chapter mean:

- 11 (1) "Animal control authority" means the agency designated by the city or  
12 county to administer ordinances regulating, restricting, or prohibiting the  
13 possession of characteristically wild animals. The animal control agency  
14 may be a municipal or county animal control agency, county sheriff, or other  
15 designated agency.
- 16 (2) "Characteristically wild animal" means one of the following types of animals  
17 of the Order Carnivora, and any hybrids of these animals, unless otherwise  
18 specified:
- 19 a. Family Felidae – only lions, tigers, and leopards.
- 20 b. Family Ursidae – all bears that are not native to this State.
- 21 (3) "Person" means any individual, partnership, corporation, organization, trade  
22 or professional association, firm, limited liability company, joint venture,  
23 association, trust, estate, or any other legal entity, and any employee, agent,  
24 or representative of the entity.
- 25 (4) "Possessor" means any person who owns, possesses, keeps, harbors, brings  
26 into the State, acts as a custodian of, or has custody or control of, a  
27 characteristically wild animal.
- 28 (5) "Wildlife sanctuary" means a nonprofit organization that cares for animals  
29 defined as characteristically wild animals and within whose facilities:
- 30 a. No activity that is not inherent to the animal's nature, natural  
31 conduct, or the animal in its natural habitat is conducted;
- 32 b. No commercial activity involving an animal occurs including, but not  
33 limited to, the sale of or trade in animals, animal parts, animal by-  
34 products, or animal offspring, or the sale of photographic  
35 opportunities involving an animal, or the use of an animal for any  
36 type of entertainment purpose;



- 1                   c.     No unescorted public visitations or direct contact occurs between the  
2                             public and an animal; and  
3                   d.     No breeding of animals occurs.

4     **"§ 19B-2. Exemptions.**

5     (a)   The provisions of this Chapter do not apply to:

- 6           (1)   Institutions accredited by the American Zoo and Aquarium Association  
7                     (AZA).  
8           (2)   Duly incorporated nonprofit animal protection organizations, such as  
9                     humane societies and shelters, housing a characteristically wild animal at the  
10                    written request of the animal control authority or acting under the authority  
11                    of this Chapter.  
12           (3)   Federal or State wildlife enforcement officers acting under the scope of their  
13                     authority.  
14           (4)   Animal control or law enforcement agencies or officers acting under the  
15                     authority of this act.  
16           (5)   Veterinary hospitals, clinics, veterinarians, and persons employed at such  
17                     facilities under the direction of a veterinarian who are actively treating a  
18                     characteristically wild animal in their professional capacity as a veterinarian  
19                     or employee of such facility.  
20           (6)   Any wildlife sanctuary as defined in G.S. 19B-1(e).  
21           (7)   A university, college, laboratory, or other research facility holding a Class R  
22                     registration under the Animal Welfare Act, 7 U.S.D.A. Section 2131.  
23           (8)   Circuses, defined as incorporated, Class C licensees under the Animal  
24                     Welfare Act, 7 U.S.D.A. Section 2131, as amended, that are temporarily in  
25                     this State, and that offer performances by live animals, clowns, and acrobats  
26                     for public entertainment. Circuses do not include persons, whether or not  
27                     Class C licensees, who present any listed animal to the public as part of a  
28                     carnival or for the purpose of (i) exhibition; or (ii) entertainment that  
29                     includes wrestling, a photography opportunity with a patron, or an activity in  
30                     which any listed animal and a patron are in close contact with each other.  
31           (9)   Any person who possesses a valid United States Department of Agriculture  
32                     Class A, B, or C license and is in compliance with the United States  
33                     Department of Agriculture Animal Welfare Act regulations and standards on  
34                     January 1, 2010, may acquire new characteristically wild animals after that  
35                     date in order to maintain the inventory of characteristically wild animals  
36                     possessed on that date, and must:  
37                     a.     Register with the animal control authority as required by  
38                             G.S. 19B-4(1) of this Chapter.  
39                     b.     Maintain a liability insurance policy with an insurer authorized or  
40                             approved to write such insurance in this State that covers claims for  
41                             injury or damage to persons or property.  
42                     c.     Not allow photo opportunities or direct contact between animals and  
43                             members of the public and the owner's family and friends, except that  
44                             the owner's family and friends may be allowed direct contact with  
45                             animals that are under the age of six months. "Direct contact" means  
46                             any situation in which an individual may potentially touch or  
47                             otherwise come into physical contact with a characteristically wild  
48                             animal.

49                     If a characteristically wild animal dies of neglect or cruelty, is seized  
50                     pursuant to G.S. 19B-5, or if the person is involved in illegal activities, the  
51                     possessor shall no longer be permitted to continue to replace any animal in

1 order to maintain the operating inventory of characteristically wild animals  
2 possessed on January 1, 2010.

3 (10) A person who does not reside in this State and is traveling through this State  
4 with listed species if the transit time is not more than 72 hours and the  
5 animal is at all times maintained within a confinement sufficient to prevent  
6 the animal from escaping.

7 (11) Indigenous species already regulated by the North Carolina Wildlife  
8 Resources Commission.

9 **§ 19B-3. Keeping of characteristically wild animals; conditions under which**  
10 **grandfathered animals may be kept.**

11 (a) Except as otherwise provided in this Chapter, it is unlawful for a person to import  
12 into, possess, keep, purchase, have custody or control of, breed, or sell within this State, by any  
13 means, a characteristically wild animal, including transactions conducted via the Internet.

14 (b) A person in legal possession of a characteristically wild animal prior to January 1,  
15 2010, and who is the legal possessor of the animal, may keep possession of the animal for the  
16 remainder of the animal's life, subject to the following conditions:

17 (1) Within 90 days of January 1, 2010, the possessor of a characteristically wild  
18 animal shall register with the animal control authority for the county in  
19 which the animal is located. The registration shall include the person's name,  
20 address, telephone number, a complete inventory of each characteristically  
21 wild animal that the person possesses, a photograph or microchip number for  
22 each animal possessed, and the payment to the county of a onetime fee of  
23 one hundred dollars (\$100.00) per animal to cover the costs of enforcement  
24 of this Chapter.

25 (2) The possessor shall prepare and submit to the county at the time of payment  
26 of the fee required by subdivision (1) of this section a contingency plan to  
27 protect first responders by providing for the quick and safe recapture of the  
28 characteristically wild animal in the event of an escape.

29 (3) The possessor shall maintain veterinary records, acquisition papers for the  
30 animal, if available, or other documents or records that establish that the  
31 person possessed the animal prior to January 1, 2010.

32 (4) The possessor shall present paperwork described in subdivision (3) of this  
33 subsection to an animal control or law enforcement authority upon request.

34 (5) The possessor shall comply with the basic standards for housing exotic  
35 animals and protecting the public under the federal Animal Welfare Act as  
36 amended, 7 U.S.C. §§ 2131, et seq., and the regulations adopted pursuant to  
37 that act, and shall allow the animal control authority access to the animal's  
38 housing in order to ensure that the animal is properly cared for.

39 (6) A legally possessed characteristically wild animal shall not be traded or  
40 replaced by a person who does not have an exemption as established in  
41 G.S. 19B-2.

42 (7) The possessor shall notify the animal control authority, the local sheriff's  
43 department, and police department, if applicable, immediately upon  
44 discovery that the animal has escaped. The possessor of the animal shall be  
45 liable for any and all costs associated with the escape, capture, and  
46 disposition of a permitted animal.

47 (8) A possessor of a characteristically wild animal shall notify local law  
48 enforcement and local fire departments about the types and numbers of  
49 characteristically wild animals the possessor has.

50 (9) The possessor shall comply with any and all applicable federal, State, or  
51 local law, rule, regulation, ordinance, permit, or other permission. Failure to

1 comply with any such law, rule, regulation, ordinance, permit, or other  
2 permission constitutes a violation of this Chapter.

3 A person in legal possession of a characteristically wild animal prior to January 1, 2010,  
4 who is the legal possessor of the animal, and who complies with the provisions of this Chapter  
5 during the animal's life, may replace the animal upon its death with an animal of the same  
6 species, so long as the animal's death was not the result of neglect or cruelty.

7 **"§ 19B-4. Confiscation of characteristically wild animals.**

8 (a) An animal control authority or other person authorized to enforce the provisions of  
9 this Chapter may immediately confiscate a characteristically wild animal if:

10 (1) The animal control authority or other person designated under this Chapter  
11 has probable cause to believe that the animal was acquired after January 1,  
12 2010;

13 (2) The animal poses a public safety or health risk;

14 (3) The animal is in poor health and condition as a result of the possessor; or

15 (4) The animal is being held in contravention of this Chapter.

16 (b) A characteristically wild animal that is confiscated under this section may be  
17 returned to the possessor only if the animal control authority or law enforcement officer  
18 establishes that the possessor had possession of the animal prior to January 1, 2010, and the  
19 return does not pose a public safety or health risk.

20 (c) The animal control or other persons authorized to enforce this Chapter under  
21 G.S. 19B-6 shall serve notice upon the possessor in person or by regular and certified mail,  
22 return receipt requested, notifying the possessor of the confiscation, that the possessor is  
23 responsible for payment of reasonable costs for caring and providing for the animal during the  
24 confiscation and that the possessor must meet the requirements of subsection (b) of this section  
25 in order for the animal to be returned to the possessor.

26 (d) If a characteristically wild animal that is confiscated under this section is not  
27 returned to the possessor, the animal control or other persons designated under this Chapter  
28 may release the animal to a facility such as a wildlife sanctuary or a facility exempted pursuant  
29 to G.S. 19B-2.

30 (e) If a characteristically wild animal escapes or is released and poses an immediate  
31 threat to public safety, the animal control authority or other persons designated under this  
32 Chapter may exercise judgment in attempting to recapture the animal or in killing the animal.

33 **"§ 19B-5. City or county ordinances.**

34 A city or county may adopt an ordinance governing characteristically wild animals that is  
35 more restrictive than this Chapter. However, nothing in this Chapter requires a city or county to  
36 adopt an ordinance to be in compliance with this Chapter.

37 **"§ 19B-6. Enforcement of Chapter.**

38 (a) The animal control authority and its staff and agents, local law enforcement agents,  
39 and county sheriffs are authorized and empowered to enforce the provisions of this Chapter.

40 (b) The possessor of a characteristically wild animal shall, at all reasonable times, allow  
41 the animal control authority or other persons designated by this Chapter to enter the premises  
42 where the animal is being kept to ensure compliance with this Chapter.

43 **"§ 19B-7. Penalties.**

44 A person who violates this Chapter is liable for a civil penalty to be determined by the  
45 court.

46 **"§ 19B-8. Severability.**

47 If any part of this Chapter is determined to be unconstitutional or unenforceable, it shall not  
48 affect the constitutionality or enforceability of any other part."

49 **SECTION 2.** This act becomes effective January 1, 2010, and applies to acts  
50 committed on or after that date.