

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 426*

Short Title: Chamberlin's Law. (Public)

Sponsors: Representatives Jeffus, Harrison, Adams, and McElraft (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary Subcommittee B.

March 23, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAWS REGARDING CRUELTY TO ANIMALS.

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~~ recklessly overdrive, overload, wound, injure, torment, 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.

(a1) If any person shall ~~maliciously~~ recklessly kill, or cause or procure to be killed, any animal by intentional deprivation of necessary sustenance, that person shall be guilty of a Class H felony.

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

(b1) If any person pleads guilty or nolo contendere or is found guilty under subsection (b) of this section, the court may, in addition to the penalties provided for in G.S. 15A-1340.17, do any of the following:

(1) Prohibit the person convicted from having custody of animals for any period of time the court determines to be reasonable or impose any other reasonable restrictions on the person's custody of animals as necessary for the protection of the animals. If any person violates any prohibition or restriction imposed by the sentencing court under this subdivision, that person shall be guilty of a Class 1 misdemeanor.

(2) Order the person convicted to receive a psychiatric or psychological evaluation and, if determined appropriate, to receive psychiatric or psychological counseling or treatment. The cost of any evaluation, counseling, or treatment ordered under this section shall be paid by the person ordered to receive the evaluation, counseling, or treatment.

(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



1 malice or bad motive. As used in this section, the term "animal" includes every living
2 vertebrate in the classes Amphibia, Reptilia, Aves, and Mammalia except human beings.
3 However, this section shall not apply to the following activities:

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

17 **SECTION 2.** Article 47 of Chapter 14 of the General Statutes is amended by
18 adding a new section to read:

19 **"§ 14-362.4. Failing to provide adequate shelter to dogs.**

20 (a) For the purposes of this section, "adequate shelter" means, at a minimum, an
21 artificial shelter with a waterproof roof that reasonably may be expected to protect a dog from
22 physical suffering or impairment of health due to exposure to the elements of adverse weather.
23 A metal or plastic barrel is not adequate shelter for a dog.

24 (b) A person who owns or has custody of a dog and intentionally fails to provide the
25 dog with adequate shelter is guilty of a Class 1 misdemeanor."

26 **SECTION 3.** This act becomes effective December 1, 2011, and applies to
27 offenses committed on or after that date. Prosecutions for offenses committed before the
28 effective date of this act are not abated or affected by this act, and the statutes that would be
29 applicable but for this act remain applicable to those prosecutions.