A BILL TO BE ENTITLED
AN ACT TO AMEND THE LAW REGULATING THE OWNERSHIP OF DANGEROUS DOGS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1A of Chapter 67 of the General Statutes reads as rewritten:

"Article 1A.

"Dangerous Dogs.

§ 67-4. Definitions and procedures.
(a) As used in this Article, unless the context clearly requires otherwise and except as modified in subsection (b) of this section, the term:

(1) "Dangerous dog" means
   a. A dog that:
      1. Without provocation has killed or inflicted severe injury on a person; or
      2. Is determined by the person or Board designated by the county or municipal authority responsible for animal control to be potentially dangerous because the dog has engaged in one or more of the behaviors listed in subdivision (2) of this subsection.
   b. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

   (1a) "At-risk dog" means any dog that, without provocation:
      a. Engages in any behavior that requires a defensive action by a human to avoid bodily injury.
      b. Acts in an aggressive manner within a fenced yard or enclosure and appears to law enforcement to be capable of jumping over or otherwise escaping the fence or enclosure.
      c. Bites a person without causing a significant break in the skin or serious or severe injury as defined in this section.

(2) "Potentially dangerous" Dangerous dog" means a dog that the person or Board designated by the county or municipal authority responsible for animal control determines to have, without provocation:
   a. Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or
b. Killed or inflicted severe serious injury upon a domestic animal when not on its owner's real property; or
c. Approached a person when not on its owner's property in a vicious or terrorizing manner in an apparent attitude of attack.
The term also includes a dog determined to be a dangerous dog under G.S. 67-41.A(b).

(3) "Owner" means any person or legal entity that has a possessory property right in a dog.

(4) "Owner's real property" means any real property owned or leased by the owner of the dog, but does not include any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

(5) "Severe Serious injury" means any physical injury that results in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization. Bones, lacerations, or other non-life-threatening injuries that do not qualify as severe injuries under subdivision (6) of this subsection.

(6) "Severe injury" means any physical injury that results in a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of a body part or organ.

(7) "Vicious dog" means
a. A dog that:
   1. Without provocation has killed or inflicted severe injury on a person; or
   2. Has already been determined to be a dangerous dog as provided in subsection (c) of this section, and is subsequently determined to have committed any of the acts listed in subdivision (2) of this subsection attributable to dangerous dogs.

b. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

(b) The provisions of this Article do not apply to any of the following:

(1) A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties.

(2) A dog being used participating in a lawful hunt while under the direct control of its owner or handler.

(3) A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.

(4) A dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

(5) Excessive barking or vocalization, as long as the dog is not exhibiting other at-risk, dangerous, or vicious behaviors as defined in this section.

(c) The county or municipal authority responsible for animal control shall designate a person or a Board to be responsible for determining when a dog is a "potentially dangerous dog" an at-risk dog, a dangerous dog, or a vicious dog and shall designate a separate Board to hear any appeal. The person or Board making the determination that a dog is a "potentially dangerous dog" must notify the owner in writing, giving the reasons for the determination, before the dog may be considered potentially dangerous at-risk, dangerous, or vicious under this.
Article. The owner may appeal the determination by filing written objections with the appellate
Board within three days. The appellate Board shall schedule a hearing within 10 days of the
filing of the objections. Any appeal from the final decision of such appellate Board shall be
taken to the superior court by filing notice of appeal and a petition for review within 10 days of
the final decision of the appellate Board. Appeals from rulings of the appellate Board shall be
heard in the superior court division. The appeal shall be heard de novo before a superior court
dudge sitting in the county in which the appellate Board whose ruling is being appealed is
located.

§ 67-4.1A. Procedure for at-risk dogs.
(a) Upon a first determination under G.S. 67-4.1(c) that a dog is an at-risk dog, and
after appropriate notification and any appeals pursuant to that subsection, the county or
municipal authority responsible for animal control shall require the owner of the dog to take
appropriate steps to correct the behavior, such as the successful completion of a dog behavior
class, American Kennel Club canine good citizen certification program, or a similar program
found acceptable by the authority.
(b) If a dog previously determined to be at-risk exhibits at-risk behavior a second time
within 24 months, the owner is responsible for an infraction as defined in G.S. 14-3.1. The
county or municipal authority responsible for animal control may then declare the dog a
dangerous dog, subject to a hearing and any appeals as set forth in G.S. 67-4.1(c).
(c) The owner of a dog determined to be an at-risk dog may apply to the county or
municipal authority responsible for animal control to have the designation removed if 24
months have elapsed with no further at-risk behaviors as defined in this Article.

§ 67-4.2. Precautions against attacks by vicious or dangerous dogs.
(a) It is unlawful for an owner to:
(1) Leave a vicious or dangerous dog unattended on the owner's real property
unless the dog is confined indoors, in a securely enclosed and locked pen, or
in another structure designed to restrain the dog;
(2) Permit a dangerous dog to go beyond the owner's real property unless the
dog is leashed on a tether no longer than six feet in length and muzzled or is
otherwise securely restrained and muzzled.
(3) Keep a vicious or dangerous dog on the premises without posting a sign in a
conspicuous location on the outside of the property within 30 days of the
determination that the dog is dangerous or vicious, alerting those entering
the property that a dangerous dog or vicious dog is on the premises. A sign
stating "Beware of Dog," "Dangerous/Vicious Dog on Premises," or similar
language is appropriate for purposes of this requirement.
(b) If the owner of a dangerous dog determined to be either dangerous or vicious under
G.S. 67-4.1(c) transfers ownership or possession of the dog to another person (as defined in
G.S. 12-3(6)), the owner shall provide written notice to:
(1) The authority that made the determination under this Article, stating the
name and address of the new owner or possessor of the dog; and
(2) The person taking ownership or possession of the dog, specifying the dog's
dangerous behavior and the authority's determination.
(c) Violation of this section is a Class 3 misdemeanor.

§ 67-4.2A. Additional requirements for owners of vicious dogs.
(a) It is unlawful for an owner to:
(1) Possess a vicious dog without the dog being registered as a vicious dog with
the county or municipal authority responsible for animal control.
(2) Possess a vicious dog that has not been sterilized, provided that the dog is of
an appropriate age and health for sterilization, as determined by a licensed
veterinarian.
(b) It is unlawful for any person to knowingly permit a person under 18 years of age to
own, control, or be responsible for the care of a vicious dog.

(c) Violation of this section is a Class 3 misdemeanor.

"§ 67-4.3. Penalty for attacks by vicious or dangerous dogs.

(a) The owner of a dog previously determined to be vicious under G.S. 67-4.1(c) that
attacks a person and causes serious physical injury shall be guilty of a Class I felony.

(b) The owner of a dog previously determined to be vicious under G.S. 67-4.1(c) that
attacks a person and causes the victim's death shall be guilty of a Class F felony. The county or
municipal authority responsible for animal control shall provide for the dog responsible for the
attack to be humanely euthanized.

(c) The owner of a dangerous dog previously determined to be dangerous under
G.S. 67-4.1(c) that attacks a person and causes physical injuries requiring medical treatment in
excess of one hundred dollars ($100.00) one thousand dollars ($1,000.00) shall be guilty of a
Class I misdemeanor.


The owner of a vicious or dangerous dog shall be strictly liable in civil damages for any
injuries or property damage the dog inflicts upon a person, his property, or another animal.

"§ 67-4.5. Local ordinances.

Nothing in this Article shall be construed to prevent a city or county from adopting or
enforcing its own program, law, or regulation for control of dangerous dogs, provided that no such program, law, or regulation shall be specific as to the breed, phenotype,
or appearance of the dogs subject to it."

SECTION 2. This act becomes effective December 1, 2015, and applies to
offenses committed on or after that date.