

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

H.B. 1005  
May 2, 2024  
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30461-MHa-144

Short Title: Eva's Act.

(Public)

Sponsors: Representative Longest.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT CRUELTY TO ANIMALS INCLUDES THE FAILURE TO PROVIDE ADEQUATE SPACE.

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~~ Persons who (i) intentionally overdrive, overload, wound, injure, torment, ~~kill, or kill an animal, or deprive any animal of necessary sustenance, or adequate space~~ or (ii) cause or procure any animal to be overdriven, overloaded, wounded, injured, tormented, killed, or deprived of necessary sustenance, ~~any animal, every such offender shall for every such offense be~~ or adequate space are guilty of a Class 1 misdemeanor, with each act constituting a separate offense.

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

(b) ~~If any person shall~~ Persons who maliciously 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~~ animal are guilty of a Class H felony, with each act constituting a separate offense. However, nothing in this section shall be construed to increase the penalty for cockfighting provided for in G.S. 14-362.

(c) ~~As used~~ The following definitions apply 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 section:

(1) Adequate space. – Sufficient space to allow each animal freedom of movement. Adequate space for an animal that is tethered means all of the following:

a. The tether to which the animal is attached permits freedom of movement and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals or from extending over an object or edge that could result in the strangulation or injury of the animal.

b. The tether is at least 15 feet in length or four times the length of the animal, as measured from the tip of its nose to the base of its tail,



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1 whichever is greater, except when the animal is being walked on a  
 2 leash or is attached by a tether to a lead line; does not, by its material,  
 3 size, or weight or any other characteristic, cause injury or pain to the  
 4 animal.

5 c. The tether does not weigh more than one-tenth of the animal's body  
 6 weight and does not have weights or other heavy objects attached to  
 7 it.

8 d. Tethering does not include the walking of an animal on a leash.

9 (2) Animal. – Every living vertebrate in the classes Amphibia, Reptilia, Aves, and  
 10 Mammalia except human beings.

11 (3) Freedom of movement. – With respect to an animal, means the animal can (i)  
 12 easily stand, sit, lie, turn around, and make all other normal body movements  
 13 in a comfortable, normal position for the animal and (ii) interact safely with  
 14 other animals in the same enclosure.

15 (4) Intentionally. – With respect to an act, that the act was committed knowingly  
 16 and without justifiable excuse, while the word "maliciously" means an excuse.

17 (5) Lawful hunt. – The pursuit or taking of game animals in compliance with  
 18 applicable laws and rules of the Wildlife Resources Commission.

19 (6) Maliciously. – With respect to an act, that the act was committed intentionally  
 20 and with malice or bad motive. ~~As used in this section, the term "animal"~~  
 21 ~~includes every living vertebrate in the classes Amphibia, Reptilia, Aves, and~~  
 22 ~~Mammalia except human beings. However, this~~

23 (7) Torture, torment, or cruelty. – Includes any act, omission, or neglect causing  
 24 or permitting unjustifiable pain, suffering, or death.

25 (d) Exclusions. – This section shall not apply to the following activities:

26 (1) The lawful taking of animals under the jurisdiction and regulation of the  
 27 Wildlife Resources Commission, except that this section shall apply to those  
 28 birds other than pigeons exempted by the Wildlife Resources Commission  
 29 from its definition of "wild birds" pursuant to G.S. 113-129(15a).

30 (2) Lawful activities conducted for purposes of biomedical research or training or  
 31 for purposes of production of livestock, poultry, or aquatic species.

32 (2a) Lawful activities conducted for the primary purpose of providing food for  
 33 human or animal consumption.

34 (3) Activities conducted for lawful veterinary purposes.

35 (4) The lawful destruction of any animal for the purposes of protecting the public,  
 36 other animals, property, or the public health.

37 (5) The physical alteration of livestock or poultry for the purpose of conforming  
 38 with breed or show standards.

39 (6) The use of a dog in a lawful hunt."

40 **SECTION 2.** The sum of fifty thousand dollars (\$50,000) for the 2024-2025 fiscal  
 41 year is appropriated to the Department of Agriculture and Consumer Services for a public  
 42 awareness campaign conducted by the Department's Animal Welfare Section regarding the  
 43 changes to animal cruelty laws made by this act.

44 **SECTION 3.** Section 1 of this act becomes effective December 1, 2024, and applies  
 45 to offenses committed on or after that date. The remainder of this act becomes effective July 1,  
 46 2024.