

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1296
Agriculture Senate Committee Substitute Adopted 6/29/89

Short Title: Increase Animal Cruelty Penalties.

(Public)

Sponsors:

Referred to:

April 12, 1989

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MAXIMUM FINES IMPOSED FOR 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.

If any person shall willfully overdrive, overload, wound, injure, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill or cause or procure to be overdriven, overloaded, wounded, injured, tortured, tormented, deprived of necessary sustenance, cruelly beaten, needlessly mutilated or killed as aforesaid, any useful beast, fowl or animal, every such offender shall for every such offense be guilty of a misdemeanor punishable by a fine of up to ~~one thousand dollars (\$1,000)~~ one thousand five hundred dollars (\$1,500) and imprisonment for up to one year. In this section, and in every law which may be enacted relating to animals, the words 'animal' and 'dumb animal' shall be held to include every living creature; the words 'torture,' 'torment' or 'cruelty' shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted. Such terms shall not be construed to prohibit the lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission."

Sec. 2. G.S. 14-361 reads as rewritten:

"§ 14-361. Instigating or promoting cruelty to animals.

If any person shall willfully set on foot, or instigate, or move to, carry on, or promote, or engage in, or do any act towards the furtherance of any act of cruelty to any

1 animal, he shall be guilty of a misdemeanor punishable by a fine of up to ~~one thousand~~
2 ~~dollars (\$1,000)~~ one thousand five hundred dollars (\$1,500) and imprisonment for up to
3 one year."

4 Sec. 3. G.S. 14-361.1 reads as rewritten:

5 **"§ 14-361.1. Abandonment of animals.**

6 Any person being the owner or possessor, or having charge or custody of an animal,
7 who willfully and without justifiable excuse abandons the animal is guilty of a
8 misdemeanor punishable by a fine of up to ~~five hundred dollars (\$500.00)~~ one thousand
9 dollars (\$1,000) and imprisonment for up to six months."

10 Sec. 4. G.S. 14-363 reads as rewritten:

11 **"§ 14-363. Conveying animals in a cruel manner.**

12 If any person shall carry or cause to be carried in or upon any vehicle or other
13 conveyance, any animal in a cruel or inhuman manner, he shall be guilty of a
14 misdemeanor punishable by a fine of up to ~~one thousand dollars (\$1,000)~~ one thousand
15 five hundred dollars (\$1,500) and imprisonment for up to one year. Whenever an
16 offender shall be taken into custody therefor by any officer, the officer may take charge
17 of such vehicle or other conveyance and its contents, and deposit the same in some safe
18 place of custody. The necessary expenses which may be incurred for taking charge of
19 and keeping and sustaining the vehicle or other conveyance shall be a lien thereon, to be
20 paid before the same can be lawfully reclaimed; or the said expenses, or any part thereof
21 remaining unpaid, may be recovered by the person incurring the same of the owner of
22 such animal in an action therefor."

23 Sec. 5. This act shall become effective October 1, 1989, and shall apply to all
24 violations occurring on or after that date. Prosecutions for offenses occurring before the
25 effective date of this act are not abated or affected by this act, and the statutes that
26 would be applicable but for this act remain applicable to those prosecutions.