

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1456

Short Title: Drug Felon/No Large Dogs. (Public)

Sponsors: Representatives Burr, Guice (Primary Sponsors); Cleveland and Holloway.

Referred to: Ways and Means/Broadband Connectivity, if favorable, Judiciary II.

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PERSON WHO IS CONVICTED OF A FELONY DRUG OFFENSE AND SENTENCED TO COMMUNITY OR INTERMEDIATE PUNISHMENT SHALL HAVE IMPOSED AS A SPECIAL CONDITION OF PROBATION THAT THE PERSON SHALL NOT OWN OR HAVE A DOG THAT WEIGHS MORE THAN FOURTEEN POUNDS EITHER ON HIS OR HER RESIDENTIAL PREMISES OR IN A MOTOR VEHICLE THE PERSON IS DRIVING AND TO PROVIDE THAT A PERSON CONVICTED OF A FELONY DRUG OFFENSE SHALL NOT OWN OR HAVE A DOG THAT WEIGHS MORE THAN FOURTEEN POUNDS EITHER IN A MOTOR VEHICLE THAT THE PERSON IS DRIVING OR ON HIS OR HER RESIDENTIAL PREMISES FOR A PERIOD OF SIX YEARS AFTER SERVING AN ACTIVE SENTENCE FOR THE DRUG FELONY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-1343 is amended by adding a new subsection to read:

"(b4) Special Condition of Probation for Certain Drug Offenders. – As a special condition of probation, a defendant who is convicted of a felony offense under G.S. 90-95 and who is sentenced to either community punishment or intermediate punishment shall not own a dog that weighs more than 14 pounds and shall not have a dog that weighs more than 14 pounds either on the premises of his or her residence or dwelling or in a motor vehicle that the defendant is driving."

SECTION 2. Article 52 of the General Statutes is amended by adding a new section to read:

§ 14-401.23. Size limitation on dogs that a drug felon may own or have on residential premises.

(a) Notwithstanding any other provision of law, it is unlawful for any person who is convicted of a felony under G.S. 90-95 to do any of the following: (i) own a dog that weighs more than 14 pounds, or (ii) have a dog that weighs more than 14 pounds either on the premises of his or her residence or dwelling or in a motor vehicle that he or she is driving. The prohibition imposed by this section applies for a period of six years after the person has completed the sentence imposed on the person for the felony conviction under G.S. 90-95.

(b) If a person violates this section, then the person is guilty of a Class 3 misdemeanor punishable only by a fine of two hundred fifty dollars (\$250.00) for a first offense, five hundred dollars (\$500.00) for a second offense, and one thousand dollars (\$1,000) for a third or subsequent offense.

(c) In addition to any penalty imposed pursuant to subsection (b) of this section when a person is convicted of a violation of this section, the six-year prohibition imposed under



1 subsection (a) of this section shall restart and shall run a full six years from the date of the
2 person's conviction under this section."

3 **SECTION 3.** This act becomes effective December 1, 2009, and applies to persons
4 convicted of or placed on probation for a felony offense under G.S. 90-95 on or after that date.