

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1172

Short Title: Restraining of Dogs.

(Public)

Sponsors: Senator Cowell.

Referred to: Judiciary I (Civil).

March 22, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CRIMINAL LAW CONCERNING RESTRAINING OF
3 DOGS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 14-362.3 reads as rewritten:

6 "§ 14-362.3. Restraining dogs in a cruel manner.

7 (a) A person who ~~maliciously~~ knowingly restrains a dog using a chain or wire
8 ~~grossly in excess of the size necessary to restrain the dog safely or other type of~~
9 ~~tethering device in violation of this section~~ is guilty of a Class 1 misdemeanor. ~~For~~
10 ~~purposes of this section, "maliciously" means the person imposed the restraint~~
11 ~~intentionally and with malice or bad motive.~~

12 (b) No person shall tether, fasten, chain, tie, or restrain a dog, or cause such
13 restraining of a dog, to a tree, fence, post, dog house, or other stationary object for more
14 than three hours in a 24-hour period. During periods of tethering that are not unlawful
15 under this subsection, any tethering device used shall be at least 15 feet in length and
16 attached in such manner as to prevent strangulation or other injury to the dog and
17 entanglement with objects other than the stationary objects to which the device is
18 attached.

19 (c) No person shall tether, fasten, chain, tie, or restrain a dog, or cause such
20 restraining of a dog, to a cable trolley system, that allows movement of the restraining
21 device, for more than six hours in a 24-hour period. During periods of tethering that are
22 not unlawful under this subsection, the length of the cable along which the tethering
23 device can move must be at least 10 feet, and the tethering device must be of such
24 length that the dog is able to move 10 feet away from the cable perpendicularly.

25 (d) No person shall attach a chain or wire or other tethering device to, or cause
26 such attachment to, a choke-type or pronged collar on a dog.

27 (e) No person shall attach a chain or wire or other tethering device to a dog in
28 such manner that does not allow the dog access to water and shelter.

1 (f) Notwithstanding the provisions of subsections (b) and (c) of this section, a
2 person may, subject to the provisions of subsections (d) and (e) of this section:

3 (1) Tether and restrain a dog while actively engaged in:

4 a. Use of the dog in shepherding or herding livestock, or

5 b. Use of the dog in the business of cultivating agricultural
6 products, if the restraining is reasonably necessary for the safety
7 of the dog, or

8 c. Use of the dog in lawful hunting activities if the restraint is
9 reasonably necessary for the safety of the dog.

10 (2) After taking possession of a dog that appears to be a stray dog and
11 after having advised animal control authorities of the capture of the
12 dog, tether and restrain the dog during such time as the person having
13 taken possession of the dog is seeking the identity of the owner of the
14 dog.

15 (3) Walk a dog with a handheld leash.

16 (g) A county, city, or town may by ordinance:

17 (1) Reduce the time of permissible tethering provided in subsections (b)
18 and (c) of this section, including a prohibition on tethering.

19 (2) Increase the permitted time for tethering on a rope or chain provided in
20 subsection (b) from three to as many as nine hours.

21 (3) Increase the permitted time for tethering on a pulley system provided
22 in subsection (c) from six to as many as twelve hours in any 24-hour
23 period.

24 (h) Restraining a dog in a manner prohibited by this section constitutes cruelty as
25 defined in G.S. 19A-1(2)."

26 **SECTION 2.** This act becomes effective December 1, 2007, and applies to
27 acts committed on or after that date.