

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1477

Short Title: Inherently Dangerous Animals.

(Public)

Sponsors: Senator Jones.

Referred to: Judiciary II (Criminal).

March 26, 2007

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING FOR THE PROTECTION OF THE PUBLIC AGAINST THE
3 HEALTH AND SAFETY RISKS THAT INHERENTLY DANGEROUS
4 ANIMALS POSE AND TO PROTECT THE WELFARE OF INHERENTLY
5 DANGEROUS ANIMALS.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. Chapter 19A of the General Statutes is amended by adding a
8 new Article to read:

9 "Article 7.

10 "Protection of Inherently Dangerous Animals.

11 "§ 19A-80. Definitions.

12 (a) "Animal control authority" means the municipal or county animal control
13 agency, or a county sheriff in an area that does not have an animal control agency.

14 (b) "Inherently dangerous animal" means any nondomesticated animal for which
15 evidence demonstrates that unprotected human contact with the species can result in a
16 life threatening injury or disease to those who come in contact directly or indirectly. The
17 following are examples of inherently dangerous animals:

18 (1) Class Mammalia:

19 a. Order Chiroptera – all bats.

20 b. Order Carnivora:

21 1. Family Canidae – only wolves and wolf hybrids.

22 2. Family Felidae – only lions, tigers, cheetahs, jaguars,
23 cougars, leopards, snow leopards, clouded leopards.

24 3. Hyaenidae – all hyena species.

25 4. Family Ursidae – all bear species.

26 c. Order Primates – all species including apes, Old and New
27 World monkeys, and prosimians.

28 d. Order Proboscidae – all elephant species.

29 e. Order Perissodactyla – only rhinoceroses.

f. Order Artiodactyla:

1. Family Hippotamidae – all species of hippopotamus.
2. Family Bovidae – only gaur, banteng, kouprey, anoa, Cape buffalo.

(2) Class Reptilia:a. Order Crocodylia – all species.b. Order Squamata:

1. Family Helodermatidae – all species.
2. Family Boidae – only green anaconda.
3. Family Pythonidae – only Amethystine python, African rock python, and Reticulated python.
4. All venomous snakes not indigenous to North Carolina.

(c) "Person" means any individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture, association, trust, estate, or any other legal entity, and any officer, member, shareholder, director, employee, agent, or representative of the entity.

(d) "Possessor" means any person who owns, possesses, keeps, harbors, brings into the State, acts as a custodian of, or has custody or control of, an inherently dangerous animal.

(e) "Wildlife sanctuary" means a facility that cares for inherently dangerous animals and:

- (1) Is a corporation that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 and described in sections 501(c)(3) and 170(b)(1)(A)(vi) of the Code;
- (2) Does not commercially trade in animals listed as inherently dangerous animals, including the offspring, parts, and by-products of such animals;
- (3) Does not propagate animals; and
- (4) Does not allow direct contact between the public and animals.

§ 19A-81. Exemptions.

(a) The provisions of this Article do not apply to:

- (1) Institutions accredited by the American Zoo and Aquarium Association (AZA).
- (2) Duly incorporated nonprofit animal protection organizations housing an inherently dangerous animal at the written request of the animal control authority.
- (3) Federal or State wildlife enforcement officers acting under the scope of their authority.
- (4) Animal control or law enforcement agencies or officers acting under the authority of this act.
- (5) Licensed veterinary hospitals or clinics.
- (6) Any wildlife sanctuary as defined in G.S. 19A-80(e).
- (7) A university, college, laboratory, or other research facility holding a Class R registration under the Animal Welfare Act, 7 U.S.D.A. § 2131.

- 1 (8) Circuses, defined as incorporated, Class C licensees under the Animal
2 Welfare Act, 7 U.S.D.A. § 2131, as amended, that are temporarily in
3 this State, and that offer performances by live animals, clowns, and
4 acrobats for public entertainment. Circuses do not include persons,
5 whether or not Class C licensees, who present any listed animal to the
6 public as part of a carnival or for the purpose of (i) exhibition; or (ii)
7 entertainment that includes wrestling, a photography opportunity with
8 a patron, or an activity in which any listed animal and a patron are in
9 close contact with each other.
- 10 (9) A person who does not reside in this State and is traveling through this
11 State with listed species if the transit time is not more than 72 hours
12 and the animal is at all times maintained within a confinement
13 sufficient to prevent the animal from escaping.
- 14 (10) Indigenous species already regulated by the North Carolina Wildlife
15 Resources Commission.

16 **"§ 19A-82. Keeping of inherently dangerous animals.**

17 (a) Except as otherwise provided in this Article, it is unlawful for a person to
18 import into, possess, purchase, breed, or sell within this State, by any means, an
19 inherently dangerous animal, including transactions conducted via the Internet.

20 (b) A person in legal possession of an inherently dangerous animal prior to
21 January 1, 2008, and who is the legal possessor of the animal may keep possession of
22 the animal for the remainder of the animal's life, subject to the following conditions:

- 23 (1) The person shall maintain veterinary records, acquisition papers for the
24 animal, if available, or other documents or records that establish that
25 the person possessed the animal prior to the effective date of this
26 statute.
- 27 (2) The person shall present paperwork described in subdivision (1) of this
28 subsection to an animal control or law enforcement authority upon
29 request.
- 30 (3) The person shall be in compliance with the provisions set forth in
31 G.S. 19A-83.

32 (c) A legally-possessed inherently dangerous animal shall not be replaced by a
33 person who does not have an exemption as established in G.S. 19A-81.

34 **"§ 19A-83. Conditions under which grandfathered animals can be kept.**

35 A person who is in legal possession of an inherently dangerous animal prior to
36 January 1, 2008, may keep possession of the animal for the remainder of the animal's
37 life under the following conditions:

- 38 (1) Within 90 days of January 1, 2008, the possessor of an inherently
39 dangerous animal shall register with the animal control authority. The
40 registration shall include the person's name, address, telephone
41 number, and a complete inventory of each inherently dangerous animal
42 that the person possesses. The inventory shall include the following
43 information: (i) the number and species of each regulated animal; (ii)
44 the identification of the animal pursuant to subdivision (2) of this

1 section; (iii) the exact location where each regulated animal is kept;
2 and (iv) the age, sex, color, weight, and any other distinguishing marks
3 of each regulated animal.

4 (2) Every inherently dangerous animal shall be uniquely identified using
5 species appropriate, safe methods, and this identification shall be
6 reported to the animal control authority.

7 (3) A possessor shall not breed an inherently dangerous animal.

8 (4) The possessor shall notify the animal control authority, the local
9 sheriff's department, and police department, if applicable, immediately
10 upon discovery that the animal has escaped. The possessor of the
11 animal shall be liable for any and all costs associated with the escape,
12 capture, and disposition of a permitted animal.

13 (5) A possessor of an inherently dangerous animal shall notify local law
14 enforcement and local fire departments what types of animals the
15 possessor has.

16 (6) A possessor shall develop, and keep at the location where the
17 inherently dangerous animal is being kept, a written plan for the quick
18 and safe recapture or destruction of the animal in the event the animal
19 escapes. This plan shall also be filed with the local sheriff's
20 department, and police department, if applicable.

21 (7) A possessor shall not trade an inherently dangerous animal or replace
22 an inherently dangerous animal that was in his or her possession prior
23 to January 1, 2008.

24 (8) A possessor of an inherently dangerous animal shall obtain and
25 maintain a liability insurance policy with an insurer authorized or
26 approved to write such insurance in this State that covers claims for
27 injury or damage to persons or property in an amount of not less than
28 one million dollars (\$1,000,000). The possessor shall present proof of
29 possession and maintenance of liability insurance upon request to the
30 animal control or law enforcement authority within 24 hours of the
31 request.

32 (9) In addition to complying with the requirements set forth in this section,
33 the possessor shall comply with any and all applicable federal, State,
34 or local law, rule, regulation, ordinance, permit, or other permission.
35 Failure to comply with any such law, rule, regulation, ordinance,
36 permit, or other permission constitutes a violation of this Article.

37 **§ 19A-84. Enforcement of Article.**

38 The animal control authority and its staff and agents, local law enforcement agents,
39 county sheriffs, and federal or State wildlife enforcement officers may enforce the
40 provisions of this Article.

41 **§ 19A-85. Inspection.**

42 The possessor of an inherently dangerous animal shall, at all reasonable times, allow
43 the animal control authority or other persons designated under G.S. 19A-84 to enter the
44 premises where the animal is kept to ensure compliance with this Article.

1 **"§ 19A-86. Confiscation and disposition of inherently dangerous animals.**

2 (a) The animal control authority or other persons designated under G.S. 19A-84
3 may confiscate an inherently dangerous animal under the following conditions:

4 (1) The animal control or other persons designated under G.S. 19A-84 has
5 probable cause to believe that the animal was acquired after January 1,
6 2008;

7 (2) The animal poses a public safety or health risk;

8 (3) The animal is in poor health and condition as a result of the owner's
9 actions or inaction; or

10 (4) The animal is being held in contravention of this Article.

11 (b) An inherently dangerous animal that is confiscated under this section may be
12 returned to the possessor only if the animal control authority or other persons designated
13 under G.S. 19A-84 establishes that the possessor had possession of the animal prior to
14 January 1, 2008, the return does not pose a public safety or health risk, and the
15 possessor is in compliance with this act.

16 (c) The animal control or other persons designated under G.S. 19A-84 shall serve
17 notice upon the possessor in person or by regular and certified mail, return receipt
18 requested, notifying the possessor of the confiscation that the possessor is responsible
19 for payment of reasonable costs for caring and providing for the animal during the
20 confiscation.

21 (d) The animal control authority or other persons designated under G.S. 19A-84
22 shall serve notice upon the possessor in person or by regular and certified mail, return
23 receipt requested, notifying the possessor of the confiscation, that the possessor is
24 responsible for payment of reasonable costs for caring and providing for the animal
25 during the confiscation, and that the possessor must meet the requirements of subsection
26 (b) of this section in order for the animal to be returned to the possessor.

27 (e) If an inherently dangerous animal that is confiscated under this section is not
28 returned to the possessor, the animal control or other persons designated under
29 G.S. 19A-84 may release the animal to a facility such as a sanctuary or a facility
30 exempted pursuant to G.S. 19A-81. If the animal control or law enforcement authority is
31 unable to relocate the animal within a reasonable period of time, it may euthanize the
32 animal.

33 (f) If an inherently dangerous animal escapes or is released and poses an
34 immediate threat to public safety, the animal control authority or other persons
35 designated under G.S. 19A-84 may exercise judgment in attempting to recapture the
36 animal or in killing the animal.

37 (g) This section applies to animal confiscations on or after January 1, 2008.

38 **"§ 19A-87. Penalties.**

39 A person who violates any provision of this Article is liable for a civil penalty of not
40 less than two hundred dollars (\$200.00) and not more than two thousand dollars
41 (\$2,000) for each animal with respect to which there is a violation and for each day the
42 violation continues.

43 **"§ 19A-88. Local governing bodies.**

1 Pursuant to its authority under G.S. 153A-131 and G.S. 160A-187, a city or county
2 may adopt an ordinance governing inherently dangerous animals that is more restrictive
3 than this Article. Such an ordinance may apply to animals not covered by this Article,
4 provide caging standards, provide stricter care and treatment standards, or otherwise
5 restrict or prohibit the possession of inherently dangerous animals.

6 **"§ 19A-89. Severability.**

7 If any part of this Article is determined to be unconstitutional or unenforceable, it
8 shall not affect the constitutionality or enforceability of any other part."

9 **SECTION 2.** This act becomes effective January 1, 2008, and applies to
10 inherently dangerous animals existing in this State on or after that date. The local
11 animal control authority shall implement and administer the provisions of Article 6 of
12 Chapter 19A of the General Statutes.