

February 24, 2009

S 307. REGULATE OWNERSHIP & USE OF CERTAIN REPTILES. Filed 2/24/09. *TO AMEND THE LAW REGULATING THE USE OF CERTAIN REPTILES.*

Amends Article 55 of GS Chapter 14 as follows.

Amends GS 14-416 to declare it a public nuisance and a criminal offense to expose *other* human beings, intentionally *or negligently*, to venomous reptiles, *large constricting snakes*, or *crocodilians*.

Amends GS 14-417 to make it unlawful for any person to own, possess, use, *transport*, or traffic in any venomous reptile *that is not housed in a sturdy and secure enclosure* (was, unless reptile is at all times kept securely in a box, cage, or other safe container with certain specifications). Establishes requirements for a certain design for permanent enclosures, labelling, and transport containers. Requires that a written bite protocol be within sight of a permanent enclosure and accompany the reptile in transport. Requires the owner or possessor of a venomous reptile to report an escape of the reptile to local law enforcement immediately. Enacts new GS 14-417.1 and GS 14-417.2 to make it unlawful for any person to own, possess, use, transport, or traffic in large constricting snakes and crocodilians, respectively, that are not housed in a sturdy and secure enclosure. Includes similar requirements to GS 14-417 regarding permanent enclosure, transport, and safety. Lists specific types of reptiles regulated under these sections.

Enacts new GS 14- 418.1 to require that an owner of any venomous snake, large constricting snake, or crocodilian register the location of the reptile's housing with local law enforcement. Provides that registration must be made by December 1, 2010, and updated on an annual basis and within 30 days of any change in the location of the housing. Permits local law enforcement to charge a maximum \$50 annual registration fee per housing location. Makes conforming changes to GS 14-418 (prohibited handling of reptiles or suggesting or inducing others to handle). Allows safe handling of reptiles for animal husbandry, training, transport, and education.

Amends GS 14-419 to specify *venomous snakes*, *large constricting snakes*, or *crocodilians* are required to be seized by law enforcement officers after a suspected violation of this Article and delivered to the NC State Museum of Natural Sciences (Museum) for examination and final disposition. Provides that if the Museum or its designated representative finds that the reptile is not a venomous snake, large constricting snake, or crocodilian subject to this Article, and either (1) no criminal warrants or indictments are initiated within 10 days of initial seizure or (2) a court of law determines that the reptile is not being owned, possessed, used, transported, or trafficked in violation of this Article, (was, that the reptile is not dangerously poisonous and is not and cannot be harmful to human life, safety, health or welfare), then the *law enforcement* officers must return the reptile within five days. Makes technical changes. Makes a conforming change to GS 14-420 (arrests of persons violating provisions of Article).

Amends GS 14-422 to expand the penalties for violation of this Article by making it (1) a Class I felony, charged to the owner a venomous snake, large constricting snake, or crocodilian, if a person, other than the owner, suffers a life threatening injury or is killed as a result of a violation of this Article and (2) a Class 1 misdemeanor for any person to intentionally release into the wild a nonnative venomous snake, large constricting snake, or crocodilian. A violation of either of these provisions constitutes wanton conduct within the meaning of GS 1D-5(7) and subjects the violator to punitive damages in any civil action that is filed as a result of the violator's actions.

Makes conforming changes to captions throughout.

Effective for offenses committed on or after December 1, 2009.

Intro. by Jones.

GS 14

March 30, 2009

S 307. REGULATE OWNERSHIP & USE OF CERTAIN REPTILES. Filed 2/24/2009. Senate committee substitute makes the following changes to 1st edition. Changes the requirement for investigation of suspected violation from reasonable belief to probable cause. Requires that large constricting snakes or crocodilians be delivered to the NC Zoological Park for regulatory

determination instead of the Museum of Natural Sciences. Adds to list of exempt organizations veterinarians, zoos, serpentariums, and Wildlife Damage Control Agents. Changes offense for death or injury to someone who is not a family member or employee, as a result of a violation of the statutes, to a Class 1 misdemeanor instead of a Class I felony. Excludes from such criminal responsibility a result that could not have been prevented or avoided by the owner's exercise of due care or foresight. Makes technical and organizational changes.

June 3, 2009

S 307. REGULATE OWNERSHIP & USE OF CERTAIN REPTILES. Filed 2/24/09. House amendment makes the following changes to 2nd edition. Makes technical changes only.

July 13, 2009

S 307. REGULATE OWNERSHIP & USE OF CERTAIN REPTILES. Filed 2/24/09. House amendment makes the following changes to 2nd edition, as amended. Provides in proposed amended GS 14-422 that (1) if any person other than the owner of a venomous reptile, large constricting snake, or crocodilian, the owner's agent, employee, or a member of the owner's immediate family, suffers a life-threatening injury or is killed as the result of a violation of Article 55 of GS Chapter 14, the owner is guilty of a Class A1 misdemeanor (was, Class 1 misdemeanor) and (2) any person intentionally releasing into the wild a nonnative venomous reptile, large constricting snake, or a crocodilian is guilty of a Class A1 misdemeanor (was, Class 1 misdemeanor).

July 27, 2009

SL 2009-344 (S 307). REGULATE OWNERSHIP AND USE OF CERTAIN REPTILES AN ACT TO AMEND THE LAW REGULATING THE USE OF CERTAIN REPTILES. Summarized in *Daily Bulletin* 2/24/09, 3/30/09, 6/3/09, and 7/13/09. Enacted July 27, 2009. Effective December 1, 2009.