

March 19, 2009

**S 695. RESTRAINING OF DOGS.** Filed 3/19/09. *TO AMEND THE CRIMINAL LAW CONCERNING RESTRAINING OF DOGS.*

Amends GS 14-362.3 to make it a Class 1 misdemeanor for a person who knowingly (was, maliciously) restrains a dog using a chain or wire grossly in excess of the size *or weight* necessary to restrain the dog *or using any other type of tethering device in violation of this section*. Prohibits a person from (1) tethering, fastening, chaining, tying, or restraining a dog, or causing such restraining of a dog, to a tree, fence, post, dog house, or other stationary object for more than three hours in a 24 hour period; (2) attaching a chain or wire or other tethering device to, or causing such attachment to, a choke-type or pronged collar on a dog; and (3) attaching a chain or wire or other tethering device to a dog in such a manner that does not allow the dog access to water and adequate shelter. Provides that, during the periods of lawful tethering, any tethering device must be at least 15 feet in length and attached to prevent strangulation, or other injury to the dog, and entanglement with objects other than stationary objects to which the device is attached. Allows a person to (1) tether and restrain a dog while actively using the dog in shepherding and herding livestock or in cultivating agricultural products, if restraining is reasonably necessary for the safety of the dog, or in lawful hunting activities, if restraining is reasonably necessary for the safety of the dog; (2) after taking possession of a dog that appears to be a stray dog and after having advised animal control authorities of the capture of the dog, tether and restrain the dog during the time that the person is seeking the identity of the dog's owner; and (3) walk a dog with a handheld leash. Provides that restraining a dog in a prohibited manner constitutes cruelty as defined in GS 19A-1(2). Authorizes a county, city, or town to reduce, by ordinance, the time of permissible tethering, including prohibiting tethering. Makes a conforming change. Effective for acts committed on or after December 1, 2009.

**Intro. by Garrou.**

GS 14