

March 24, 2009

**S 807. PUBLIC SAFETY REGISTRATION.** Filed 3/24/09. *PROVIDING FOR THE PROTECTION OF THE PUBLIC AGAINST THE HEALTH AND SAFETY RISKS THAT CERTAIN CHARACTERISTICALLY WILD ANIMALS POSE TO THE COMMUNITY.*

Enacts a new GS Chapter 19B, *Characteristically Wild Animals*, as the title indicates. Defines *characteristically wild animals* as those belonging to the family *felidae* (only lions, tigers, and leopards) and family *ursidae* (all bears that are not native to this state) and any hybrids of these animals. Also provides definitions for the following terms as they apply in the proposed new chapter: (1) animal control authority means the agency designated by the city or county to administer ordinances governing the possession of characteristically wild animals; (2) 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 employee, agent or representative of the entity; (3) possessor means any person who owns, possesses, keeps, harbors, brings into the state, acts as a custodian of, or has custody or control of, a characteristically wild animal; and (4) wildlife sanctuary means a nonprofit organization that cares for animals defined as characteristically wild animals within facilities with certain prescribed characteristics.

Provides that it is unlawful for a person to import, possess, purchase, or otherwise have custody of, breed, or sell, by any means a characteristically wild animal in this state except as may be provided in proposed new GS Chapter 19B. Permits a person who is in legal possession of a characteristically wild animal prior to January 1, 2010, to keep the animal for the remainder of the animal's life subject to prescribed conditions that include registering the animal with the animal control authority in the county in which the animal is located and payment of a one time fee of \$100. Provides additional requirements for maintaining ownership of the animal. Provides that a person in legal possession of a characteristically wild animal before January 1, 2010, and who complies with the provisions of this proposed Chapter during the animal's lifetime may replace the animal upon its death with an animal of the same species, as long as the animal's death was not due to neglect or cruelty. Also provides exemptions to which this Chapter does not apply, including (1) institutions accredited by the American Zoo and Aquarium Association; (2) animal control and law enforcement agencies or officers acting under the authority of this act; (3) certain incorporated animal protection organizations; (4) certain licensed circuses, veterinary hospitals, and wildlife sanctuaries; (5) federal or state wildlife enforcement officers acting under the scope of their employment; and (6) persons who have a valid United States Department of Agriculture Class A, B, or C license in compliance as of January 1, 2010. Provides additional exemptions and additional criteria for persons or agencies qualifying for exemptions.

Provides that an animal control authority or other authorized person may immediately confiscate a characteristically wild animal if: (1) there is reason to believe that the animal was acquired after January 1, 2010; (2) the animal poses a public safety or health risk; (3) the animal is in poor health as a result of the care provided by the possessor; and (4) the animal is being held in contravention of this Chapter. Provides additional regulations governing the confiscation of a characteristically wild animal. Permits a city or county to adopt more restrictive ordinances governing characteristically wild animals but does not require a city or county to adopt an ordinance in order to be in compliance with this Chapter. Provides that the animal control authority and its staff and agents, law enforcement agents and county sheriffs are authorized to enforce the provisions of this proposed Chapter. Provides for a civil penalty to be determined by the court for a person who violates this proposed Chapter. States that if any part of the proposed Chapter is found to be unconstitutional or unenforceable, that part will not affect the constitutionality or enforceability of any other part. Effective January 1, 2010, and applies to acts committed on or after that date.

**Intro. by Jones.**

GS 19B

June 8, 2009

**S 807. PUBLIC SAFETY REGISTRATION.** Filed 3/24/09. Senate committee substitute makes the following changes to 1st edition. Clarifies in proposed GS 19B-2 that a circus does not include persons who present any regulated (was, listed) animal to the public as part of a carnival or for

the purpose of (1) exhibition or (2) entertainment that includes wrestling, a photography opportunity with a patron, or activity in which any *regulated* animal and a patron are in close contact with each other. Deletes that the exemption from GS Chapter 19B for any person meeting certain federal licensing and regulatory requirements on January 1, 2010, allowing the acquisition of new characteristically wild animals after that date is limited to the purpose of maintaining inventory of animals possessed on that date. Requires that those exempt persons maintain a liability insurance policy of at least \$250,000 (previous edition did not specify an amount) with an insurer authorized or approved to write insurance in the state that covers claims for injury or damage to persons or property. Clarifies that if a characteristically wild animal *possessed under this exemption* dies of neglect or cruelty, is confiscated and not returned to the possessor pursuant to GS 19B-4, or if the possessor is involved in illegal activities, the possessor is no longer permitted to acquire such animals (was, no longer permitted to continue to replace any animal in order to maintain the operating inventory possessed on January 1, 2010).

Provides in proposed GS 19B-3 that one of the conditions of retaining possession of a characteristically wild animal, which the person legally possessed prior to January 1, 2010, requires that the possessor register the animal with the animal control authority for the *city or county* by January 1, 2010 (was, within 90 days of January 1, 2010). Adds that the registration must include the address for the site at which each animal is located and requires payment to the animal control authority of a one-time \$100 fee per site (was, per animal), with a \$10 fee per animal located at the site, to cover the costs of enforcement of the chapter. Provides that the possessor has a continuing obligation to promptly notify the authority of any material changes to the registration information. Adds to subsection (c) that a person eligible for the replacement of a characteristically wild animal upon its death must (1) register the replacement animal as required by the statute; (2) maintain veterinary records, acquisition papers for the animal, if available, or other documents or records that establish the person is in legal possession of the animal, and present paperwork to an animal control or law enforcement authority upon request; and (3) otherwise comply with the requirements of the statute.

Adds to proposed GS 19B-4 that a characteristically wild animal that is confiscated under this section may be returned to the possessor if the animal is determined not to be in poor health and condition as a result of the action or inaction of the possessor.

Makes stylistic, clarifying, and technical changes throughout.

June 30, 2009

**S 807. PUBLIC SAFETY REGISTRATION.** Filed 3/24/09. Senate committee substitute makes the following changes to 2nd edition. Rewrites new GS 19B-4(b) to allow the return of a characteristically wild animal that has been confiscated only if all of the following requirements are met: the possessor of the animal had legal possession of the animal pursuant to GS 19B-2 or GS 19B-3, the return does not pose a public safety or health risk, *and* (was, or) the animal is not in poor health and condition as a result of the action or inaction of the possessor.