

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1098  
PROPOSED COMMITTEE SUBSTITUTE H1098-PCS10867-RD-28

Short Title: Kill Search and Rescue Animal.

(Public)

Sponsors:

Referred to:

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO MAKE IT A CLASS H FELONY TO WILLFULLY KILL OR ATTEMPT TO  
KILL A SEARCH AND RESCUE ANIMAL AND TO MAKE IT AN AGGRAVATING  
CIRCUMSTANCE FOR OTHER CRIMINAL OFFENSES THAT A SEARCH AND  
RESCUE ANIMAL WAS SERIOUSLY HARMED OR KILLED WHILE THE ANIMAL  
WAS ENGAGED IN PERFORMING OFFICIAL DUTIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-163.1 reads as rewritten:

"§ 14-163.1. **Assaulting a law enforcement agency ~~animal or animal~~, an assistance  
~~animal, animal, or a search and rescue animal.~~**

(a) The following definitions apply in this section:

(1) Assistance animal. – An animal that is trained and may be used to assist a  
"person with a disability" as defined in G.S. 168A-3. The term "assistance  
animal" is not limited to a dog and includes any animal trained to assist a  
person with a disability as provided in Article 1 of Chapter 168 of the  
General Statutes.

(2) Law enforcement agency animal. – An animal that is trained and may be  
used to assist a law enforcement officer in the performance of the officer's  
official duties.

(2a) Search and rescue animal. – An animal that is trained and may be used to  
assist in a search and rescue operation.

(3) Harm. – Any injury, illness, or other physiological impairment; or any  
behavioral impairment that impedes or interferes with duties performed by a  
law enforcement agency animal or an assistance animal.

(4) Serious harm. – Harm that does any of the following:

a. Creates a substantial risk of death.

b. Causes maiming or causes substantial loss or impairment of bodily  
function.

c. Causes acute pain of a duration that results in substantial suffering.

d. Requires retraining of the law enforcement agency animal or  
assistance animal.

e. Requires retirement of the law enforcement agency animal or  
assistance animal from performing duties.



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1 (a1) Any person who knows or has reason to know that an animal is a law enforcement  
2 agency ~~animal or animal~~, an assistance ~~animal-animal~~, or a search and rescue animal and who  
3 willfully kills the animal is guilty of a Class H felony.

4 (b) Any person who knows or has reason to know that an animal is a law enforcement  
5 agency ~~animal or an assistance animal-animal~~, an assistance animal, or a search and rescue  
6 animal and who willfully causes or attempts to cause serious harm to the animal is guilty of a  
7 Class I felony.

8 (c) Unless the conduct is covered under some other provision of law providing greater  
9 punishment, any person who knows or has reason to know that an animal is a law enforcement  
10 agency ~~animal or an assistance animal-animal~~, an assistance animal, or a search and rescue  
11 animal and who willfully causes or attempts to cause harm to the animal is guilty of a Class 1  
12 misdemeanor.

13 (d) Unless the conduct is covered under some other provision of law providing greater  
14 punishment, any person who knows or has reason to know that an animal is a law enforcement  
15 agency ~~animal or an assistance animal-animal~~, an assistance animal, or a search and rescue  
16 animal and who willfully taunts, teases, harasses, delays, obstructs, or attempts to delay or  
17 obstruct the animal in the performance of its duty as a law enforcement agency ~~animal or  
18 assistance animal-animal~~, an assistance animal, or a search and rescue animal is guilty of a Class  
19 2 misdemeanor.

20 (d1) A defendant convicted of a violation of this section shall be ordered to make  
21 restitution to the person with a disability, or to a person, group, or law enforcement agency who  
22 owns or is responsible for the care of the law enforcement agency animal or search and rescue  
23 animal for any of the following as appropriate:

- 24 (1) Veterinary, medical care, and boarding expenses for the assistance animal or  
25 law enforcement animal.
- 26 (2) Medical expenses for the person with the disability relating to the harm  
27 inflicted upon the assistance animal.
- 28 (3) Replacement and training or retraining expenses for the assistance animal or  
29 law enforcement animal.
- 30 (4) Expenses incurred to provide temporary mobility services to the person with  
31 a disability.
- 32 (5) Wages or income lost while the person with a disability is with the  
33 assistance animal receiving training or retraining.
- 34 (6) The salary of the law enforcement agency animal handler as a result of the  
35 lost services to the agency during the time the handler is with the law  
36 enforcement agency animal receiving training or retraining.
- 37 (7) Any other expense reasonably incurred as a result of the offense.

38 (e) This section shall not apply to a licensed veterinarian whose conduct is in  
39 accordance with Article 11 of Chapter 90 of the General Statutes.

40 (f) Self-defense is an affirmative defense to a violation of this section.

41 (g) Nothing in this section shall affect any civil remedies available for violation of this  
42 section."

43 **SECTION 2.** G.S. 15A-1340.16(d)(6a) reads as rewritten:

44 "(6a) The offense was committed against or proximately caused serious harm as  
45 defined in G.S. 14-163.1 or death to a law enforcement agency ~~animal or  
46 assistance animal-animal~~, an assistance animal, or a search and rescue animal  
47 as defined in G.S. 14-163.1, while engaged in the performance of the  
48 animal's official duties."

49 **SECTION 3.** This act becomes effective December 1, 2009, and applies to  
50 offenses committed on or after that date.