

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 554
Apr 2, 2015
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH40295-LL-89 (2/18)

Short Title: Protect Public from Dangerous Wild Animals. (Public)

Sponsors: Representatives McGrady, Hurley, Hardister, and Saine (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING FOR PROTECTION OF THE PUBLIC AGAINST THE HEALTH
3 AND SAFETY RISKS THAT CERTAIN DANGEROUS WILD ANIMALS POSE TO
4 THE COMMUNITY.

5 The General Assembly of North Carolina enacts:

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

8 "Article 7.

9 "Dangerous Wild Animals.

10 "§ 19A-71. Definitions.

11 The following definitions apply in this Article:

- 12 (1) "Animal control authority" means an entity acting alone or in concert with
13 other local governmental units for enforcement of the animal control laws of
14 the city, county, and State and the shelter and welfare of animals.
- 15 (2) "Circus" means an exhibitor holding a valid Class "C" license issued under
16 the federal Animal Welfare Act (7 U.S.C. Section 2131 et seq.) that does not
17 have any permanent animal facilities in this State and that regularly conducts
18 performances featuring live animals and multiple trained human entertainers,
19 including clowns and acrobats.
- 20 (3) "Dangerous wild animal" means any live individual animal of the following
21 scientific classifications belonging to Class Mammalia:
- 22 a. Order Carnivora:
- 23 1. Family Canidae: red wolves (*Canis rufus*) and gray
24 wolves (*Canis lupus*).
- 25 2. Family Felidae: all species of felids, excluding
26 domestic cats (*Felis catus*), and including hybrids of
27 lions (*Panthera leo*), tigers (*Panthera tigris*), leopards
28 (*Panthera pardus*), clouded leopards (*Neofelis*
29 *nebulosa*, *Neofelis diardi*), snow leopards (*Panthera*
30 *uncia*), jaguars (*Panthera onca*), cheetahs (*Acinonyx*
31 *jubatus*), and mountain lions (*Puma concolor*).
- 32 3. Family Hyaenidae: all species of hyena and aardwolf.
- 33 4. Family Ursidae: all species of bears.
- 34 b. Order Primates: all species, excluding humans.



- 1 (4) "Law enforcement officer" means an animal control officer, an animal
2 cruelty investigator as provided for in Article 4 of this Chapter, a State or
3 local law enforcement officer, or a public prosecutor.
4 (5) "Person" means any individual, partnership, corporation, organization, or
5 any other legal entity, and any officer, member, shareholder, director,
6 employee, agent, or representative of one of those legal entities.
7 (6) "Wildlife Sanctuary" means a charitable organization that is exempt from
8 taxation under section 501(c)(3), Internal Revenue Code of 1986, that is
9 described by section 170(b)(1)(A)(vi), Internal Revenue Code of 1986, and
10 that:
11 a. Operates a place of refuge where abused, neglected, unwanted,
12 impounded, abandoned, orphaned, or displaced animals are provided
13 care for the lifetime of the animal.
14 b. Does not conduct any commercial activity with respect to dangerous
15 wild animals, including, but not limited to, (i) the sale, trade, auction,
16 or lease of dangerous wild animals or their parts or (ii) the use of
17 dangerous wild animals in any manner in a for-profit business or
18 operation.
19 c. Does not use dangerous wild animals for entertainment purposes or
20 in a traveling exhibit.
21 d. Does not breed any dangerous wild animals.

22 **"§ 19A-72. Prohibited Activities.**

23 (a) Notwithstanding any other provision of law, unless exempt under this Article, it is
24 unlawful for any person to possess, sell, transfer, or breed a dangerous wild animal.

25 (b) Notwithstanding any other provision of law, it is unlawful for any person to allow
26 any member of the public to come into direct physical contact with a dangerous wild animal,
27 regardless of the age of the animal.

28 **"§ 19A-73. Exemptions.**

29 The prohibitions in G.S. 19A-72(a) shall not apply to:

- 30 (1) Institutions accredited or certified by the Association of Zoos and
31 Aquariums (AZA).
32 (2) Research facilities, as defined in the federal Animal Welfare Act (7 U.S.C. §
33 2132(e)).
34 (3) Wildlife sanctuaries, as defined in G.S. 19A-71(6).
35 (4) Duly incorporated nonprofit animal protection organizations, such as
36 humane societies and shelters, temporarily housing a dangerous wild animal
37 at the written request of law enforcement officers acting under the authority
38 of this Article.
39 (5) Veterinary hospitals, veterinary clinics, veterinary practices, veterinarians,
40 and persons employed by such entities, for the purpose of providing
41 veterinary care or veterinary services to the dangerous wild animal.
42 (6) Law enforcement officers for purposes of enforcement.
43 (7) Circuses, as defined in G.S. 19A-71(2).
44 (8) A person temporarily transporting a legally owned dangerous wild animal
45 through the State if the transit time is not more than 24 hours, the dangerous
46 wild animal is not exhibited, and the dangerous wild animal is maintained at
47 all times in a species-appropriate cage or travel container.

48 **"§ 19A-74. Prior possession.**

49 The prohibitions in G.S. 19A-72(a) shall not apply to persons who lawfully possessed a
50 dangerous wild animal prior to June 1, 2015, provided that the person:

- 1 (1) Shall maintain veterinary records, acquisition papers, or other documents or
2 records that establish that the person lawfully possessed the animal prior to
3 June 1, 2015.
- 4 (2) May not acquire additional dangerous wild animals after June 1, 2015,
5 whether by purchase, donation, relinquishment, or breeding; however, this
6 subdivision does not prohibit such a person from possessing the offspring of
7 a lawfully-possessed dangerous wild animal if written medical records
8 demonstrate that the animal was pregnant on June 1, 2015.
- 9 (3) Shall not have been convicted of an offense involving the abuse or neglect of
10 any animal pursuant to any State, local, or federal law.
- 11 (4) Shall not have had a license or permit regarding the care, possession,
12 exhibition, breeding, or sale of animals revoked or suspended by any State,
13 local, or federal agency.
- 14 (5) Shall develop and be prepared to implement escape, succession, and disaster
15 plans and maintain a current animal inventory, to be made available to law
16 enforcement officers upon request.
- 17 (6) Shall allow a law enforcement officer to enter the premises where the
18 dangerous wild animal is kept at any reasonable time to ensure compliance
19 with this Chapter.
- 20 (7) Shall register with, and pay a registration fee to, the local animal control
21 authority by September 1, 2015, and annually thereafter, indicating the
22 number of animals of each dangerous wild animal species in his or her
23 possession, and showing proof of liability insurance in an amount of not less
24 than two hundred fifty thousand dollars (\$250,000), with a deductible of not
25 more than two hundred fifty dollars (\$250.00), for each occurrence of
26 property damage, bodily injury, or death caused by any dangerous wild
27 animal possessed by the person.
- 28 (8) Shall provide written notification to the animal control authority in the city
29 or county where the person resides of the death of a dangerous wild animal
30 possessed under this section. The notice shall include the common name,
31 sex, and age of the animal, the date the animal was acquired, and any unique
32 identification marks to properly identify the animal.
- 33 (9) At least 72 hours prior to sale or transfer of an existing dangerous wild
34 animal, shall notify in writing the local animal control authority, identifying
35 the recipient of the animal. At all times, possession, sale, transfer, and
36 transport of the dangerous wild animal shall conform with all applicable
37 State, local, and federal laws.
- 38 (10) Shall have continuously posted and displayed at each possible entrance onto
39 the premises where a dangerous wild animal is housed a conspicuous sign,
40 clearly legible, and easily readable by the public, warning that a dangerous
41 wild animal is on the premises.

42 **"§ 19A-75. Transport and containment.**

43 (a) Any person transporting a dangerous wild animal shall keep the animal at all times
44 in a species-appropriate cage or travel container and shall comply with federal transport
45 requirements (9 C.F.R. Part 3).

46 (b) Any person possessing a dangerous wild animal shall keep the animal in a
47 permanent enclosure that is designed to be escape-proof and has an operable lock. It is unlawful
48 for any person to allow members of the public within 15 feet of a dangerous wild animal unless
49 there is a permanent barrier in place that prevents the risk of direct physical contact between a
50 member of the public and the animal.

1 (c) It is unlawful for any person to knowingly release a dangerous wild animal into the
2 wild.

3 **"§ 19A-76. Enforcement.**

4 (a) The provisions of this Article shall be enforced by any State law enforcement
5 officer, or by any other law enforcement officer in whose jurisdiction a violation occurs, or by
6 any animal control authority for the jurisdiction in which a violation occurs. Nothing in this
7 Article shall be construed to prohibit a city or county from adopting or enforcing any ordinance
8 or other law that places further restrictions or additional requirements on the possession, sale,
9 transfer, or breeding of dangerous wild animals.

10 (b) Animals may be seized pursuant to this Article as follows:

11 (1) Law-enforcement officers shall, after obtaining a warrant from any judge or
12 magistrate upon probable cause, seize or impound any dangerous wild
13 animal possessed, sold, transferred, bred, or exhibited in violation of this
14 Article. If the dangerous wild animal poses a direct threat to public safety or
15 is suffering from apparent animal neglect or cruelty, that animal shall be
16 immediately placed in the custody and control of an institution accredited by
17 the Association of Zoos and Aquariums, a wildlife sanctuary, or a temporary
18 holding facility, as described in G.S. 19A-73(4). If there is no immediate
19 threat to public safety or animal welfare, law enforcement officers shall
20 impound the dangerous wild animal in place.

21 (2) Upon seizing or impounding a dangerous wild animal, a law enforcement
22 officer shall petition the district court for the district in which the dangerous
23 wild animal was seized or impounded for a hearing to determine whether the
24 dangerous wild animal was in fact possessed, sold, transferred, bred, or
25 exhibited in violation of this Article. The hearing shall be held not more than
26 14 days from the date of the seizure or impoundment and the law
27 enforcement officer shall provide written notice of the hearing at least five
28 days prior to the hearing to the person from whom the dangerous wild
29 animal was seized or impounded.

30 (3) Upon judicial determination of a violation of any provision of this Article,
31 the seized or impounded dangerous wild animal shall be deemed forfeited
32 and the court shall order the violator to pay all reasonable expenses incurred
33 in caring and providing for the dangerous wild animal, from the time the
34 dangerous wild animal is seized until the time that dangerous wild animal is
35 forfeited, to the AZA institution, wildlife sanctuary, or temporary holding
36 facility in possession of the dangerous wild animal. The court may also
37 prohibit the possession or ownership of dangerous wild animals, or other
38 nonnative wild animals, by the person found to have violated this Article.

39 (4) A forfeited dangerous wild animal shall be transferred to an institution
40 accredited by the Association of Zoos and Aquariums or to a wildlife
41 sanctuary that is willing and able to take custody of the forfeited dangerous
42 wild animal. Nothing in this Article shall be construed to prevent law
43 enforcement officers from humanely euthanizing a dangerous wild animal in
44 compliance with State and federal law if, after reasonable efforts, no AZA
45 institution or wildlife sanctuary is willing and able to provide long-term care
46 for the dangerous wild animal.

47 (5) Nothing in this Article shall be construed to prevent the voluntary,
48 permanent relinquishment of any dangerous wild animal by its owner to a
49 person legally able to possess the dangerous wild animal and willing and
50 able to take possession. Voluntary relinquishment shall have no effect on
51 any criminal charges for violations of this Article.

1 (c) Any dangerous wild animal found to be not properly confined, whether on the
2 property of the owner or running at large, may be humanely destroyed by law enforcement
3 officers in order to protect public safety. The owner of a dangerous wild animal will be liable
4 for costs accrued to law enforcement officers in humanely destroying or otherwise securing that
5 animal.

6 **"§ 19A-77. Penalties.**

7 (a) Each violation of this Article shall constitute a Class 2 misdemeanor and a person
8 who violates this Article is liable for a civil penalty of not more than five thousand dollars
9 (\$5,000). Each animal possessed, sold, transferred, or bred in violation of this Article
10 constitutes a separate offense.

11 (b) Any dangerous wild animal owner or custodian whose act or omission in the care,
12 control, or containment of that animal that results in the animal running loose or causing
13 property damage shall constitute a Class A1 misdemeanor. If that act or omission resulting in a
14 dangerous wild animal running loose results in serious bodily injury to any person, the owner
15 of the animal shall be strictly liable and the offense is punishable as a Class I felony.

16 (c) Any person who lives in the county in which a dangerous wild animal is kept may
17 bring a civil action against an owner or custodian of the dangerous wild animal to enjoin a
18 violation of this Article."

19 **SECTION 2.** If any part of this Article is determined to be unconstitutional or
20 unenforceable, it shall not affect the constitutionality or enforceability of any other part.

21 **SECTION 3.** This act becomes effective December 1, 2015, and applies to
22 offenses committed on or after that date.