

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 554
PROPOSED COMMITTEE SUBSTITUTE H554-PCS40451-RN-26

Short Title: Protect Public from Dangerous Wild Animals.

(Public)

Sponsors:

Referred to:

April 6, 2015

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. § 2131 et seq.) that does not have
17 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: gray wolves (*Canis lupus*).
- 24 2. Family Felidae: all species of felids, excluding domestic cats
25 (*Felis catus*), and including hybrids of lions (*Panthera leo*),
26 tigers (*Panthera tigris*), leopards (*Panthera pardus*), clouded
27 leopards (*Neofelis nebulosa*, *Neofelis diardi*), snow leopards
28 (*Panthera uncia*), jaguars (*Panthera onca*), cheetahs
29 (*Acinonyx jubatus*), and mountain lions (*Puma concolor*).
- 30 3. Family Hyaenidae: all species of hyena and aardwolf.
- 31 4. Family Ursidae: all species of bears.
- 32 b. Order Primates: all species, excluding humans.
- 33 (4) "Law enforcement officer" means an animal control officer, an animal
34 cruelty investigator as provided for in Article 4 of this Chapter, a State or
35 local law enforcement officer, or a public prosecutor.



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

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

- 20 (a) Notwithstanding any other provision of law, unless exempt under this Article, it is
21 unlawful for any person to possess, sell, transfer, or breed a dangerous wild animal.
22 (b) Notwithstanding any other provision of law, it is unlawful for any person to allow
23 any member of the public to come into direct physical contact with a dangerous wild animal,
24 regardless of the age of the animal. Members of the public do not include full-time employees
25 or supervised interns or volunteers.

26 **§ 19A-73. Exemptions.**

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

- 28 (1) Institutions accredited or certified by the Association of Zoos and
29 Aquariums (AZA).
30 (2) Research facilities, as defined in the federal Animal Welfare Act (7 U.S.C. §
31 2132(e)) and in corresponding federal regulations (9 C.F.R. 1.1, et al).
32 (3) Wildlife sanctuaries, as defined in G.S. 19A-71(6).
33 (4) Duly incorporated nonprofit animal protection organizations, such as
34 humane societies and shelters, temporarily housing a dangerous wild animal
35 at the written request of law enforcement officers acting under the authority
36 of this Article.
37 (5) Veterinary hospitals, veterinary clinics, veterinary practices, veterinarians,
38 and persons employed by such entities, for the purpose of providing
39 veterinary care or veterinary services to the dangerous wild animal.
40 (6) Law enforcement officers for purposes of enforcement.
41 (7) Circuses, as defined in G.S. 19A-71(2).
42 (8) A person temporarily transporting a legally owned dangerous wild animal
43 through the State if the transit time is not more than 24 hours, the dangerous
44 wild animal is not exhibited, and the dangerous wild animal is maintained at
45 all times in a species-appropriate cage or travel container.
46 (9) Institutions accredited by the Association for Assessment and Accreditation
47 of Laboratory Animal Care International.
48 (10) Institutions accredited or certified by the Zoological Association of America.
49 (11) Institutions holding a valid license issued by the U.S. Department of
50 Agriculture (USDA) pursuant to the federal Animal Welfare Act.

1 (12) A motion picture or television production company employing or
2 contracting with a dealer or exhibitor licensed under section 2133 of the
3 federal Animal Welfare Act (7 U.S.C. § 2133) or with a carrier, intermediate
4 handler, or unlicensed exhibitor registered under section 2136 of the federal
5 Animal Welfare Act (7 U.S.C. § 2136) for the transportation, purchase,
6 exhibition, or use of dangerous animals in its motion picture or television
7 production.

8 **"§ 19A-74. Prior possession.**

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

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

51 **"§ 19A-75. Transport and containment.**

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

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

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

11 **"§ 19A-76. Enforcement.**

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

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

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

29 (2) Upon seizing or impounding a dangerous wild animal, a law enforcement
30 officer shall petition the district court for the district in which the dangerous
31 wild animal was seized or impounded for a hearing to determine whether the
32 dangerous wild animal was in fact possessed, sold, transferred, bred, or
33 exhibited in violation of this Article. The hearing shall be held not more than
34 14 days from the date of the seizure or impoundment and the law
35 enforcement officer shall provide written notice of the hearing at least five
36 days prior to the hearing to the person from whom the dangerous wild
37 animal was seized or impounded.

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

47 (4) A forfeited dangerous wild animal shall be transferred to an institution
48 accredited by the Association of Zoos and Aquariums or to a wildlife
49 sanctuary that is willing and able to take custody of the forfeited dangerous
50 wild animal. Nothing in this Article shall be construed to prevent law
51 enforcement officers from humanely euthanizing a dangerous wild animal in

1 compliance with State and federal law if, after reasonable efforts, no AZA
2 institution or wildlife sanctuary is willing and able to provide long-term care
3 for the dangerous wild animal.

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

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

14 **"§ 19A-77. Penalties.**

15 (a) Each violation of this Article shall constitute a Class 2 misdemeanor and a person
16 who violates this Article is liable for a civil penalty of not more than five thousand dollars
17 (\$5,000). Each animal possessed, sold, transferred, or bred in violation of this Article
18 constitutes a separate offense.

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

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

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

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