

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

FILED SENATE
Apr 2, 2019
S.B. 564
PRINCIPAL CLERK

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SENATE BILL DRS35088-MH-60

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

Sponsors: Senator Woodard (Primary Sponsor).

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 THE
4 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. – A county or city that has exercised its right to
13 regulate animals under Chapter 153A or Chapter 160A of the General Statutes
14 and any other organization with which the city or county has contracted for
15 purposes of animal control.
- 16 (2) Circus. – An exhibitor holding a valid Class "C" license issued under the
17 federal Animal Welfare Act (7 U.S.C. § 2131 et seq.) that does not have any
18 permanent animal facilities in this State and that regularly conducts
19 performances featuring live animals and multiple trained human entertainers
20 such as clowns and acrobats.
- 21 (3) Dangerous wild animal. – Any live individual animal of the following
22 scientific classifications belonging to Class Mammalia:
- 23 a. Order Carnivora:
- 24 1. Family Canidae: gray wolves (*Canis lupus*).
- 25 2. Family Felidae: all species of felids, excluding domestic cats
26 (*Felis catus*), and including hybrids of lions (*Panthera leo*),
27 tigers (*Panthera tigris*), leopards (*Panthera pardus*), clouded
28 leopards (*Neofelis nebulosa*, *Neofelis diardi*), snow leopards
29 (*Panthera uncia*), jaguars (*Panthera onca*), cheetahs
30 (*Acinonyx jubatus*), and mountain lions (*Puma concolor*).
- 31 3. Family Hyaenidae: all species of hyenas and aardwolves.
- 32 4. Family Ursidae: all species of bears.
- 33 b. Order Primates: apes, old world monkeys, new world monkeys,
34 excluding humans, all species of marmosets, capuchin monkeys,
35 lemurs, and lorises.



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

21 **§ 19A-72. Prohibited activities.**

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

24 (b) Notwithstanding any other provision of law, it is unlawful for any person to allow any
25 member of the public to come into direct physical contact with a dangerous wild animal,
26 regardless of the age of the animal. Members of the public do not include any of the following:

- 27 (1) Employees.
- 28 (2) Supervised interns or volunteers.
- 29 (3) Students at public or private colleges or universities engaged in academic
30 coursework or research.

31 **§ 19A-73. Exemptions.**

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

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

- 1 (9) Institutions accredited by the Association for Assessment and Accreditation
2 of Laboratory Animal Care International.
3 (10) Institutions accredited or certified by the Zoological Association of America.
4 (11) Institutions holding a valid license issued by the U.S. Department of
5 Agriculture (USDA) pursuant to the federal Animal Welfare Act and not
6 otherwise exempt under another subdivision of this section.

7 **"§ 19A-74. Prior possession.**

8 The prohibitions in G.S. 19A-72(a) shall not apply to persons who lawfully possessed a
9 dangerous wild animal prior to June 1, 2019, provided that the person:

- 10 (1) Shall maintain veterinary records, acquisition papers, or other documents or
11 records that establish that the person lawfully possessed the animal prior to
12 June 1, 2019.
13 (2) May not acquire additional dangerous wild animals after June 1, 2019,
14 whether by purchase, donation, relinquishment, or breeding; however, this
15 subdivision does not prohibit such a person from possessing the offspring of
16 a lawfully possessed dangerous wild animal if written medical records
17 demonstrate that the animal was pregnant on June 1, 2019.
18 (3) Shall not have been convicted of an offense involving the abuse or neglect of
19 any animal pursuant to any State, local, or federal law.
20 (4) Shall not have had a license or permit regarding the care, possession,
21 exhibition, breeding, or sale of animals revoked or suspended by any State,
22 local, or federal agency.
23 (5) Shall develop and be prepared to implement escape, succession, and disaster
24 plans and maintain a current animal inventory, to be made available to law
25 enforcement officers upon request.
26 (6) Shall allow a law enforcement officer to enter the premises where the
27 dangerous wild animal is kept at any reasonable time to ensure compliance
28 with this Chapter.
29 (7) Shall register with, and pay a registration fee to, the local animal control
30 authority by September 1, 2019, and annually thereafter, indicating the
31 number of animals of each dangerous wild animal species in his or her
32 possession, and showing proof of liability insurance in an amount of not less
33 than two hundred fifty thousand dollars (\$250,000) for each occurrence of
34 property damage, bodily injury, or death caused by any dangerous wild animal
35 possessed by the person.
36 (8) Shall provide written notification to the animal control authority in the city or
37 county where the person resides of the death of a dangerous wild animal
38 possessed under this section. The notice shall include the common name, sex,
39 and age of the animal, the date the animal was acquired, and any unique
40 identification marks to properly identify the animal.
41 (9) At least 72 hours prior to sale or transfer of an existing dangerous wild animal,
42 shall notify in writing the local animal control authority, identifying the
43 recipient of the animal. At all times, possession, sale, transfer, and transport
44 of the dangerous wild animal shall conform with all applicable State, local,
45 and federal laws.
46 (10) Shall have continuously posted and displayed at each possible entrance onto
47 the premises where a dangerous wild animal is housed a conspicuous sign,
48 clearly legible, and easily readable by the public, warning that a dangerous
49 wild animal is on the premises.

50 **"§ 19A-75. Transport and containment.**

1 (a) Any person transporting a dangerous wild animal shall keep the animal at all times in
2 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 permanent
5 enclosure that is designed to be escape-proof and has an operable lock. It is unlawful for any
6 person to allow members of the public within 15 feet of a dangerous wild animal unless there is
7 a permanent barrier in place that prevents the risk of direct physical contact between a member
8 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 officer,
13 or by any other law enforcement officer in whose jurisdiction a violation occurs, or by any animal
14 control authority for the jurisdiction in which a violation occurs. Nothing in this Article shall be
15 construed to prohibit a city or county from adopting or enforcing any ordinance or other law that
16 places further restrictions or additional requirements on the possession, sale, transfer, or breeding
17 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 animal
21 possessed, sold, transferred, bred, or exhibited in violation of this Article. If
22 the dangerous wild animal poses a direct threat to public safety or is suffering
23 from apparent animal neglect or cruelty, that animal shall be immediately
24 placed in the custody and control of an institution described in
25 G.S. 19A-73(1), (3), (4), (5), or (9), or a temporary holding facility, as
26 described in G.S. 19A-73(4). If there is no immediate threat to public safety
27 or animal welfare, law enforcement officers shall impound the dangerous wild
28 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 enforcement
35 officer shall provide written notice of the hearing at least five days prior to the
36 hearing to the person from whom the dangerous wild animal was seized or
37 impounded.

38 (3) Upon judicial determination of a violation of any provision of this Article, the
39 seized or impounded dangerous wild animal shall be deemed forfeited and the
40 court shall order the violator to pay all reasonable expenses incurred in caring
41 and providing for the dangerous wild animal, from the time the dangerous
42 wild animal is seized until the time that dangerous wild animal is forfeited, to
43 an institution described in G.S. 19A-73(1), (3), (4), (5), or (9), or a temporary
44 holding facility in possession of the dangerous wild animal. The court may
45 also 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 described in G.S. 19A-73(1), (3), (4), (5), or (9) that is willing and able to take
49 custody of the forfeited dangerous wild animal. Nothing in this Article shall
50 be construed to prevent law enforcement officers from humanely euthanizing
51 a dangerous wild animal in compliance with State and federal law if, after

1 reasonable efforts, no institution described in G.S. 19A-73(1), (3), (4), (5), or
2 (9) is willing and able to provide long-term care for the dangerous wild
3 animal.

4 (5) Nothing in this Article shall be construed to prevent the voluntary, permanent
5 relinquishment of any dangerous wild animal by its owner to a person legally
6 able to possess the dangerous wild animal and willing and able to take
7 possession. Voluntary relinquishment shall have no effect on any criminal
8 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 for
12 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 constitutes
18 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 property
21 damage shall constitute a Class A1 misdemeanor. If that act or omission resulting in a dangerous
22 wild animal running loose results in serious bodily injury to any person, the owner of the animal
23 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, 2019, and applies to offenses
30 committed on or after that date.