

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS35174-ML-79

Short Title: Amend Animal Fighting & Welfare Laws. (Public)

Sponsors: Senators Woodard and Moffitt (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE SCOPE AND PUNISHMENT OF CERTAIN DOG FIGHTING
3 AND BAITING OFFENSES; TO AUTHORIZE THE INTERCEPTION OF WIRE, ORAL,
4 OR ELECTRONIC COMMUNICATIONS WHEN THE INTERCEPTION MAY
5 PROVIDE EVIDENCE OR EXPEDITE THE APPREHENSION OF PERSONS INDICTED
6 FOR FELONY ANIMAL FIGHTING OFFENSES; TO AMEND THE DANGEROUS DOG
7 LAWS TO PERMIT A CASE BY CASE DETERMINATION AS TO WHETHER A DOG
8 TRAINED FOR DOG FIGHTING IS DANGEROUS; AND TO MAKE ANIMAL
9 FIGHTING AND OTHER CRUELTY TO ANIMAL OFFENSES SUBJECT TO THE
10 STATE RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS LAW.

11 The General Assembly of North Carolina enacts:

12 SECTION 1.(a) G.S. 14-362.2 reads as rewritten:

13 "§ 14-362.2. Dog fighting and baiting.

14 (a) A person who instigates, promotes, conducts, is employed at, provides a dog for,
15 allows property under the person's ownership or control to be used for, gambles on, or profits
16 from an exhibition featuring the baiting of a dog or the fighting of a dog with another dog or with
17 another animal is guilty of a Class ~~H-G~~ felony. A lease of property that is used or is intended to
18 be used for an exhibition featuring the baiting of a dog or the fighting of a dog with another dog
19 or with another animal is void, and a lessor who knows this use is made or is intended to be made
20 of the lessor's property is under a duty to evict the lessee immediately.

21 (b) A person who owns, breeds, possesses, or trains a dog with the intent that the dog be
22 used in an exhibition featuring the baiting of that dog or the fighting of that dog with another dog
23 or with another animal is guilty of a Class ~~H-G~~ felony.

24"

25 SECTION 1.(b) This section becomes effective December 1, 2023, and applies to
26 offenses committed on or after that date.

27 SECTION 2.(a) G.S. 15A-290(c) reads as rewritten:

28 "(c) Orders authorizing or approving the interception of wire, oral, or electronic
29 communications may be granted, subject to the provisions of this Article and Chapter 119 of
30 Title 18 of the United States Code, when the interception may provide, or has provided, evidence
31 of any of the following offenses, or any conspiracy to commit these offenses, or when the
32 interception may expedite the apprehension of persons indicted for the commission of these
33 offenses:

34 ...

35 (6) Any of the following offenses under Article 47 of Chapter 14 of the General
36 Statutes:



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- 1 a. G.S. 14-362.
 2 b. Subsection (a) or (b) of G.S. 14-362.1.
 3 c. Subsection (a) or (b) of G.S. 14-362.2."

4 **SECTION 2.(b)** This section becomes effective December 1, 2023, and applies to
 5 offenses committed on or after that date.

6 **SECTION 3.(a)** G.S. 67-4.1 reads as rewritten:

7 **"§ 67-4.1. Definitions and procedures.**

8 (a) As used in this Article, unless the context clearly requires otherwise and except as
 9 modified in subsection (b) of this section, the term:

10 (1) "Dangerous dog" means

11 ~~a.~~ A dog that:

12 ~~1.a.~~ Without provocation has killed or inflicted severe injury on a person;
 13 or

14 ~~2.b.~~ Is determined by the person or Board designated by the county or
 15 municipal authority responsible for animal control to be potentially
 16 dangerous because the dog has engaged in one or more of the
 17 behaviors listed in subdivision (2) of this subsection.

18 ~~b.~~ Any dog owned or harbored primarily or in part for the purpose of dog
 19 fighting, or any dog trained for dog fighting.

20 "

21 **SECTION 3.(b)** G.S. 67-4.5 reads as rewritten:

22 **"§ 67-4.5. Local ordinances.**

23 Nothing in this Article shall be construed to prevent a city or county from adopting or
 24 enforcing its own program for control of dangerous ~~dogs.~~dogs consistent with this Article, except
 25 that no city or county may designate all dogs of a particular breed as dangerous."

26 **SECTION 3.(c)** G.S. 19A-70 reads as rewritten:

27 **"§ 19A-70. Care of animal subjected to illegal treatment.**

28 ...

29 (d) If the court orders that funds be deposited, the amount of funds necessary for 30 days
 30 shall be posted with the clerk of superior court. The defendant shall also deposit the same amount
 31 with the clerk of superior court every 30 days thereafter until the litigation is resolved, unless the
 32 defendant requests a hearing no less than five business days prior to the expiration of a 30-day
 33 period. If the defendant fails to deposit the funds within five business days of the initial hearing,
 34 or five business days of the expiration of a 30-day period, the animal is forfeited by operation of
 35 law. If funds have been deposited in accordance with this section, the operator of the animal
 36 shelter may draw from the funds the actual costs incurred in caring for the animal.

37 In the event of forfeiture, the animal shelter may determine whether the animal is suitable for
 38 adoption and whether adoption can be arranged for the animal. The animal may not be adopted
 39 by the defendant or by any person residing in the defendant's household. ~~If the adopted animal is~~
 40 ~~a dog used for fighting, the animal shelter shall notify any persons adopting the dog of the liability~~
 41 ~~provisions for owners of dangerous dogs under Article 1A of Chapter 67 of the General Statutes.~~
 42 If no adoption can be arranged after the forfeiture, or the animal is unsuitable for adoption, the
 43 shelter shall humanely euthanize the animal.

44 "

45 **SECTION 4.** G.S. 75D-3(c)(1) reads as rewritten:

46 "(c) (1) "Racketeering activity" means to commit, to attempt to commit, or to
 47 solicit, coerce, or intimidate another person to commit an act or acts
 48 which would be chargeable by indictment if such act or acts were
 49 accompanied by the necessary mens rea or criminal intent under the
 50 following laws of this State:

- 1 a. Article 5 of Chapter 90 of the General Statutes of North
2 Carolina relating to controlled substances and counterfeit
3 controlled substances;
 - 4 b. Chapter 14 of the General Statutes of North Carolina except
5 Articles 9, 22A, 38, 40, 43, 46, 47, 59 thereof; and further
6 excepting G.S. Sections 14-78.1, 14-82, 14-86, 14-145,
7 14-146, 14-147, 14-177, 14-178, 14-179, 14-183, 14-184,
8 14-186, 14-190.9, 14-195, 14-197, 14-201, 14-202, 14-247,
9 14-248, 14-313 thereof.
 - 10 c. Any conduct involved in a "money laundering" activity; and"
- 11 **SECTION 5.** Except as otherwise provided, this act becomes effective October 1,
12 2023.