

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS35198-MH-9A

Short Title: Amend Dangerous Dog Statutes.

(Public)

Sponsors: Senators Meyer and Moffitt (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR A PROCEDURE FOR SETTING ASIDE A POTENTIALLY
3 DANGEROUS DOG DESIGNATION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 67-4.1 is amended by adding a new subsection to read:

6 "(d) Set Aside of Potentially Dangerous Dog Designation. – For purposes of this
7 subsection, "authority" means the county or municipal authority responsible for animal control.
8 An owner of a dog determined to be a "potentially dangerous dog" under subsection (c) of this
9 section may request in writing to the authority at any time more than 18 months after the date of
10 that determination that it be set aside by following the procedures in this subsection:

11 (1) Application and assessment required. – The request for set aside of the
12 potentially dangerous dog determination shall be made on an application
13 provided by the authority. The authority may charge a fee to cover the costs
14 of processing and review of the application. The application must also be
15 accompanied by an assessment of the dog completed by a person approved by
16 the authority and accredited by the Certification Council for Professional Dog
17 Trainers or another accrediting body recognized and approved by the
18 authority. The assessment must include, at a minimum, an evaluation of the
19 behavior underlying the declaration that the dog was a potentially dangerous
20 dog and the owner's or keeper's ability to manage the dog.

21 (2) Factors considered in determination. – The authority shall consider all of the
22 following in reaching its determination:

- 23 a. The outcomes of the assessment described in subdivision (1) of this
24 subsection.
25 b. The nature of the original behaviors that led to the "potentially
26 dangerous dog" determination and any other reasons for the original
27 determination.
28 c. The management and care of the animal since the determination.
29 d. Any changes in the animal's behavior since the declaration due to the
30 animal's age, environment, training, or other factors found to be
31 relevant by the authority.

32 (3) Decision on declaration. – The authority may revoke the declaration if, after
33 considering the application, the assessment, and the factors described in
34 subdivision (2) of this subsection, the authority determines the dog is no
35 longer potentially dangerous. The authority shall issue written findings to the
36 owner or keeper stating the basis for his or her decision and, if the authority



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1 has denied the revocation, the date upon which the owner or keeper may make
2 a new request that the determination be set aside. The authority's decision to
3 set aside or not set aside a potentially dangerous dog declaration is final and
4 not subject to any administrative or judicial appeal. No liability shall attach to
5 any municipality, county, or any employee or officer thereof for a decision
6 made in accordance with this subsection."

7 **SECTION 2.** This act becomes effective October 1, 2023.