

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

H.B. 744  
Apr 18, 2023  
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40394-MHa-91

Short Title: Eva's Act.

(Public)

Sponsors: Representative Longest.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT CRUELTY TO ANIMALS INCLUDES THE FAILURE TO PROVIDE ADEQUATE SPACE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-360 reads as rewritten:

**"§ 14-360. Cruelty to animals; construction of section.**

(a) ~~If any person shall~~ Persons who (i) intentionally overdrive, overload, wound, injure, torment, ~~kill, or kill an animal, or deprive any animal of necessary sustenance, or adequate space~~ or (ii) cause or procure any animal to be overdriven, overloaded, wounded, injured, tormented, killed, or deprived of necessary sustenance, ~~any animal, every such offender shall for every such offense be or adequate space are guilty of a Class 1 misdemeanor.~~ misdemeanor, with each act constituting a separate offense.

(a1) ~~If any person shall~~ Persons who maliciously kill, or cause or procure to be killed, any animal by intentional deprivation of necessary ~~sustenance, that person shall be~~ sustenance are guilty of a Class H felony.

(b) ~~If any person shall~~ Persons who maliciously torture, mutilate, maim, cruelly beat, disfigure, poison, or kill, or cause or procure to be tortured, mutilated, maimed, cruelly beaten, disfigured, poisoned, or killed, any animal, ~~every such offender shall for every such offense be~~ animal are guilty of a Class H ~~felony.~~ felony, with each act constituting a separate offense. However, nothing in this section shall be construed to increase the penalty for cockfighting provided for in G.S. 14-362.

(c) ~~As used~~ The following definitions apply in this section, the words "torture", "torment", and "cruelly" include or refer to any act, omission, or neglect causing or permitting unjustifiable pain, suffering, or death. As used in this section, the word "intentionally" refers to an section:

(1) Adequate space. – Sufficient space to allow each animal freedom of movement. Adequate space for an animal that is tethered means all of the following:

a. The tether to which the animal is attached permits freedom of movement and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals or from extending over an object or edge that could result in the strangulation or injury of the animal.

b. The tether is at least 15 feet in length or four times the length of the animal, as measured from the tip of its nose to the base of its tail,



- 1                    whichever is greater, except when the animal is being walked on a  
2                    leash or is attached by a tether to a lead line; does not, by its material,  
3                    size, or weight or any other characteristic, cause injury or pain to the  
4                    animal.
- 5                    c.    The tether does not weigh more than one-tenth of the animal's body  
6                    weight and does not have weights or other heavy objects attached to  
7                    it.
- 8                    d.    Tethering does not include the walking of an animal on a leash.
- 9                    (2)   Animal. – Every living vertebrate in the classes Amphibia, Reptilia, Aves, and  
10                    Mammalia except human beings.
- 11                    (3)   Extreme weather. – Any of the following:
- 12                    a.    The effective period of a hurricane warning or tropical storm warning  
13                    issued for the area by the National Weather Service.
- 14                    b.    The effective period for a heat advisory issued by a local or State  
15                    authority.
- 16                    c.    Any period when the actual or effective outdoor temperature is above  
17                    85 degrees Fahrenheit or below 32 degrees Fahrenheit.
- 18                    d.    The effective period for a severe weather warning issued for the area  
19                    by the National Weather Service, including a winter storm, tornado, or  
20                    severe thunderstorm warning.
- 21                    (4)   Freedom of movement. – With respect to an animal, means the animal can (i)  
22                    easily stand, sit, lie, turn around, and make all other normal body movements  
23                    in a comfortable, normal position for the animal and (ii) interact safely with  
24                    other animals in the same enclosure.
- 25                    (5)   Intentionally. – With respect to an act, that the act was committed knowingly  
26                    and without justifiable excuse, while the word "maliciously" means an excuse.
- 27                    (6)   Lawful hunt. – The pursuit or taking of game animals in compliance with  
28                    applicable laws and rules of the Wildlife Resources Commission.
- 29                    (7)   Maliciously. – With respect to an act, that the act was committed intentionally  
30                    and with malice or bad motive. ~~As used in this section, the term "animal"~~  
31                    ~~includes every living vertebrate in the classes Amphibia, Reptilia, Aves, and~~  
32                    ~~Mammalia except human beings. However, this~~
- 33                    (8)   Torture, torment, or cruelly. – Includes any act, omission, or neglect causing  
34                    or permitting unjustifiable pain, suffering, or death.
- 35                    (d)   Exclusions. – This section shall not apply to the following activities:
- 36                    (1)   The lawful taking of animals under the jurisdiction and regulation of the  
37                    Wildlife Resources Commission, except that this section shall apply to those  
38                    birds other than pigeons exempted by the Wildlife Resources Commission  
39                    from its definition of "wild birds" pursuant to G.S. 113-129(15a).
- 40                    (2)   Lawful activities conducted for purposes of biomedical research or training or  
41                    for purposes of production of livestock, poultry, or aquatic species.
- 42                    (2a) Lawful activities conducted for the primary purpose of providing food for  
43                    human or animal consumption.
- 44                    (3)   Activities conducted for lawful veterinary purposes.
- 45                    (4)   The lawful destruction of any animal for the purposes of protecting the public,  
46                    other animals, property, or the public health.
- 47                    (5)   The physical alteration of livestock or poultry for the purpose of conforming  
48                    with breed or show standards.
- 49                    (6)   The use of a dog in a lawful hunt."

50                    **SECTION 2.** This act becomes effective December 1, 2023, and applies to offenses  
51                    committed on or after that date.