

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS35219-MH-58

Short Title: Reform Animal Cruelty and Neglect laws.

(Public)

Sponsors: Senator Murdock (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO REFORM ANIMAL CRUELTY AND NEGLECT LAWS TO ADD
STANDARDS FOR ADEQUATE SPACE AND SHELTER AND TO ADDRESS
COMPANION ANIMAL HOARDING.

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, adequate shelter, 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 adequate shelter, or adequate space are guilty of a Class 1 misdemeanor, with each act constituting a separate offense. If the convicted person is a companion animal hoarder, the judge shall impose a requirement that the defendant obtain a psychological evaluation and comply with any treatment recommended as a result of that evaluation.

(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. If the convicted person is a companion animal hoarder, the judge shall impose a requirement that the defendant obtain a psychological evaluation and comply with any treatment recommended as a result of that evaluation.

(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 shelter. – Shelter that meets all of the conditions of this subdivision. Adequate shelter does not include the outdoor tethering of an animal during any period of extreme weather at the site where the animal is tethered.

a. The shelter is suitable for the species, age, condition, size, and type of each animal.



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- b. The shelter protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health.
- c. The shelter is properly lighted and cleaned and enables each animal to remain clean and dry, except when detrimental to the species.
- d. The shelter is properly shaded and does not readily conduct heat during periods when the ambient air temperature at the shelter is greater than 85 degrees Fahrenheit.
- e. The shelter provides a windbreak at its entrance and, during periods when the ambient air temperature at the shelter is less than 32 degrees Fahrenheit, bedding material consisting of straw, cedar shavings, or the equivalent sufficient to protect the animal from cold and promote the retention of body heat.
- f. For dogs and cats, the shelter provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner.
- g. The shelter's wire, grid, or slat floors (i) do not permit the animals' feet to pass through the openings, (ii) do not sag under the animals' weight, and (iii) protect the animals' feet and toes from injury.
- (2) 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, whichever is greater, except when the animal is being walked on a leash or is attached by a tether to a lead line; does not, by its material, size, or weight or any other characteristic, cause injury or pain to the animal.
- c. The tether does not weigh more than one-tenth of the animal's body weight and does not have weights or other heavy objects attached to it.
- d. Tethering does not include the walking of an animal on a leash.
- (3) Animal. – Every living vertebrate in the classes Amphibia, Reptilia, Aves, and Mammalia except human beings.
- (4) Companion animal. – an animal that is commonly considered to be, or is considered by the owner to be, a pet. The term includes, but is not limited to, canines, felines, and equines.
- (5) Companion animal hoarder. – A person who (i) possesses 10 or more companion animals; (ii) fails to or is unable to provide what he or she is required to provide under this section; (iii) displays an inability to recognize or understand the nature of or has a reckless disregard for the conditions under which the companion animals are living and the deleterious impact they have on the companion animals' and owner's health and well-being.
- (6) Extreme weather. – Any of the following:

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

39 **SECTION 2.** Any local ordinances regulating the standard of care for companion
40 animals that were adopted prior to the date this act becomes law may remain in effect after this
41 act becomes law, and the governing body of a county or city may adopt ordinances regulating
42 the standard of care for companion animals after the date this act becomes law if the ordinances
43 meet or exceed the requirements of G.S. 14-360, as amended in Section 1 of this act.

44 **SECTION 3.** This act becomes effective December 1, 2025, and applies to offenses
45 committed on or after that date.