

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 554  
Committee Substitute Favorable 4/29/15  
Third Edition Engrossed 4/30/15

Short Title: Protect Public from Dangerous Wild Animals.

(Public)

Sponsors:

Referred to:

April 6, 2015

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  
4 THE 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" means a county or city that has exercised its right  
13 to regulate animals under Chapter 153A or Chapter 160A of the General  
14 Statutes and any other organization with which the city or county has  
15 contracted for purposes of animal control.

16 (2) "Circus" means an exhibitor holding a valid Class "C" license issued under  
17 the federal Animal Welfare Act (7 U.S.C. § 2131 et seq.) that does not have  
18 any permanent animal facilities in this State and that regularly conducts  
19 performances featuring live animals and multiple trained human entertainers,  
20 including clowns and acrobats.

21 (3) "Dangerous wild animal" means 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 hyena and aardwolf.

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 loris.



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

22    **"§ 19A-72. Prohibited Activities.**

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

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

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

32    **"§ 19A-73. Exemptions.**

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

- 34               (1)    Institutions accredited or certified by the Association of Zoos and  
35               Aquariums (AZA).
- 36               (2)    Research facilities, as defined in the federal Animal Welfare Act (7 U.S.C. §  
37               2132(e)) and in corresponding federal regulations (9 C.F.R. 1.1, et al).
- 38               (3)    Wildlife sanctuaries, as defined in G.S. 19A-71(6).
- 39               (4)    Duly incorporated nonprofit animal protection organizations, such as  
40               humane societies and shelters, temporarily housing a dangerous wild animal  
41               at the written request of law enforcement officers acting under the authority  
42               of this Article.
- 43               (5)    Veterinary hospitals, veterinary clinics, veterinary practices, veterinarians,  
44               and persons employed by such entities, for the purpose of providing  
45               veterinary care or veterinary services to the dangerous wild animal.
- 46               (6)    Law enforcement officers for purposes of enforcement.
- 47               (7)    Circuses, as defined in G.S. 19A-71(2).
- 48               (8)    A person temporarily transporting a legally owned dangerous wild animal  
49               through the State if the transit time is not more than 24 hours, the dangerous  
50               wild animal is not exhibited, and the dangerous wild animal is maintained at  
51               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.  
6           (12) A motion picture or television production company employing or  
7           contracting with a dealer or exhibitor licensed under section 2133 of the  
8           federal Animal Welfare Act (7 U.S.C. § 2133) or with a carrier, intermediate  
9           handler, or unlicensed exhibitor registered under section 2136 of the federal  
10          Animal Welfare Act (7 U.S.C. § 2136) for the transportation, purchase,  
11          exhibition, or use of dangerous animals in its motion picture or television  
12          production.

13    **§ 19A-74. Prior possession.**

14          The prohibitions in G.S. 19A-72(a) shall not apply to persons who lawfully possessed a  
15          dangerous wild animal prior to June 1, 2015, provided that the person:

- 16          (1)    Shall maintain veterinary records, acquisition papers, or other documents or  
17          records that establish that the person lawfully possessed the animal prior to  
18          June 1, 2015.  
19          (2)    May not acquire additional dangerous wild animals after June 1, 2015,  
20          whether by purchase, donation, relinquishment, or breeding; however, this  
21          subdivision does not prohibit such a person from possessing the offspring of  
22          a lawfully possessed dangerous wild animal if written medical records  
23          demonstrate that the animal was pregnant on June 1, 2015.  
24          (3)    Shall not have been convicted of an offense involving the abuse or neglect of  
25          any animal pursuant to any State, local, or federal law.  
26          (4)    Shall not have had a license or permit regarding the care, possession,  
27          exhibition, breeding, or sale of animals revoked or suspended by any State,  
28          local, or federal agency.  
29          (5)    Shall develop and be prepared to implement escape, succession, and disaster  
30          plans and maintain a current animal inventory, to be made available to law  
31          enforcement officers upon request.  
32          (6)    Shall allow a law enforcement officer to enter the premises where the  
33          dangerous wild animal is kept at any reasonable time to ensure compliance  
34          with this Chapter.  
35          (7)    Shall register with, and pay a registration fee to, the local animal control  
36          authority by September 1, 2015, and annually thereafter, indicating the  
37          number of animals of each dangerous wild animal species in his or her  
38          possession, and showing proof of liability insurance in an amount of not less  
39          than two hundred fifty thousand dollars (\$250,000) for each occurrence of  
40          property damage, bodily injury, or death caused by any dangerous wild  
41          animal possessed by the person.  
42          (8)    Shall provide written notification to the animal control authority in the city  
43          or county where the person resides of the death of a dangerous wild animal  
44          possessed under this section. The notice shall include the common name,  
45          sex, and age of the animal, the date the animal was acquired, and any unique  
46          identification marks to properly identify the animal.  
47          (9)    At least 72 hours prior to sale or transfer of an existing dangerous wild  
48          animal, shall notify in writing the local animal control authority, identifying  
49          the recipient of the animal. At all times, possession, sale, transfer, and  
50          transport of the dangerous wild animal shall conform with all applicable  
51          State, local, and federal laws.

1           (10) Shall have continuously posted and displayed at each possible entrance onto  
2 the premises where a dangerous wild animal is housed a conspicuous sign,  
3 clearly legible, and easily readable by the public, warning that a dangerous  
4 wild animal is on the premises.

5 **"§ 19A-75. Transport and containment.**

6           (a) Any person transporting a dangerous wild animal shall keep the animal at all times  
7 in a species-appropriate cage or travel container and shall comply with federal transport  
8 requirements (9 C.F.R. Part 3).

9           (b) Any person possessing a dangerous wild animal shall keep the animal in a  
10 permanent enclosure that is designed to be escape-proof and has an operable lock. It is unlawful  
11 for any person to allow members of the public within 15 feet of a dangerous wild animal unless  
12 there is a permanent barrier in place that prevents the risk of direct physical contact between a  
13 member of the public and the animal.

14           (c) It is unlawful for any person to knowingly release a dangerous wild animal into the  
15 wild.

16 **"§ 19A-76. Enforcement.**

17           (a) The provisions of this Article shall be enforced by any State law enforcement  
18 officer, or by any other law enforcement officer in whose jurisdiction a violation occurs, or by  
19 any animal control authority for the jurisdiction in which a violation occurs. Nothing in this  
20 Article shall be construed to prohibit a city or county from adopting or enforcing any ordinance  
21 or other law that places further restrictions or additional requirements on the possession, sale,  
22 transfer, or breeding of dangerous wild animals.

23           (b) Animals may be seized pursuant to this Article as follows:

24           (1) Law enforcement officers shall, after obtaining a warrant from any judge or  
25 magistrate upon probable cause, seize or impound any dangerous wild  
26 animal possessed, sold, transferred, bred, or exhibited in violation of this  
27 Article. If the dangerous wild animal poses a direct threat to public safety or  
28 is suffering from apparent animal neglect or cruelty, that animal shall be  
29 immediately placed in the custody and control of an institution described in  
30 G.S. 19A-73(1), (3), (4), (5), or (9), or a temporary holding facility, as  
31 described in G.S. 19A-73(4). If there is no immediate threat to public safety  
32 or animal welfare, law enforcement officers shall impound the dangerous  
33 wild animal in place.

34           (2) Upon seizing or impounding a dangerous wild animal, a law enforcement  
35 officer shall petition the district court for the district in which the dangerous  
36 wild animal was seized or impounded for a hearing to determine whether the  
37 dangerous wild animal was in fact possessed, sold, transferred, bred, or  
38 exhibited in violation of this Article. The hearing shall be held not more than  
39 14 days from the date of the seizure or impoundment and the law  
40 enforcement officer shall provide written notice of the hearing at least five  
41 days prior to the hearing to the person from whom the dangerous wild  
42 animal was seized or impounded.

43           (3) Upon judicial determination of a violation of any provision of this Article,  
44 the seized or impounded dangerous wild animal shall be deemed forfeited  
45 and the court shall order the violator to pay all reasonable expenses incurred  
46 in caring and providing for the dangerous wild animal, from the time the  
47 dangerous wild animal is seized until the time that dangerous wild animal is  
48 forfeited, to an institution described in G.S. 19A-73(1), (3), (4), (5), or (9),  
49 or a temporary holding facility in possession of the dangerous wild animal.  
50 The court may also prohibit the possession or ownership of dangerous wild

1 animals, or other nonnative wild animals, by the person found to have  
2 violated this Article.

3 (4) A forfeited dangerous wild animal shall be transferred to an institution  
4 described in G.S. 19A-73(1), (3), (4), (5), or (9) that is willing and able to  
5 take custody of the forfeited dangerous wild animal. Nothing in this Article  
6 shall be construed to prevent law enforcement officers from humanely  
7  euthanizing a dangerous wild animal in compliance with State and federal  
8 law if, after reasonable efforts, no institution described in G.S. 19A-73(1),  
9 (3), (4), (5), or (9) is willing and able to provide long-term care for the  
10 dangerous wild animal.

11 (5) Nothing in this Article shall be construed to prevent the voluntary,  
12 permanent relinquishment of any dangerous wild animal by its owner to a  
13 person legally able to possess the dangerous wild animal and willing and  
14 able to take possession. Voluntary relinquishment shall have no effect on  
15 any criminal charges for violations of this Article.

16 (c) Any dangerous wild animal found to be not properly confined, whether on the  
17 property of the owner or running at large, may be humanely destroyed by law enforcement  
18 officers in order to protect public safety. The owner of a dangerous wild animal will be liable  
19 for costs accrued to law enforcement officers in humanely destroying or otherwise securing that  
20 animal.

21 **"§ 19A-77. Penalties.**

22 (a) Each violation of this Article shall constitute a Class 2 misdemeanor and a person  
23 who violates this Article is liable for a civil penalty of not more than five thousand dollars  
24 (\$5,000). Each animal possessed, sold, transferred, or bred in violation of this Article  
25 constitutes a separate offense.

26 (b) Any dangerous wild animal owner or custodian whose act or omission in the care,  
27 control, or containment of that animal that results in the animal running loose or causing  
28 property damage shall constitute a Class A1 misdemeanor. If that act or omission resulting in a  
29 dangerous wild animal running loose results in serious bodily injury to any person, the owner  
30 of the animal shall be strictly liable and the offense is punishable as a Class I felony.

31 (c) Any person who lives in the county in which a dangerous wild animal is kept may  
32 bring a civil action against an owner or custodian of the dangerous wild animal to enjoin a  
33 violation of this Article."

34 **SECTION 2.** If any part of this Article is determined to be unconstitutional or  
35 unenforceable, it shall not affect the constitutionality or enforceability of any other part.

36 **SECTION 3.** This act becomes effective December 1, 2015, and applies to  
37 offenses committed on or after that date.