

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, 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,



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- 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.