

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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SENATE BILL 646

Short Title: Harm or Hinder Law or Assistance Animals.

(Public)

Sponsors: Senators Rand; and Cunningham.

Referred to: Judiciary I.

March 22, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE IT A CRIMINAL OFFENSE TO HARM OR ATTEMPT TO HARM TO A LAW ENFORCEMENT AGENCY ANIMAL OR AN ASSISTANCE ANIMAL, TO OBSTRUCT OR DELAY THE ANIMAL IN THE PERFORMANCE OF ITS OFFICIAL DUTIES, OR TO TEASE OR HARASS THE ANIMAL.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-163.1 reads as rewritten:

**"§ 14-163.1. ~~Injuring, maiming, or killing law-enforcement~~ Assaulting a law enforcement agency animal, animal or an assistance animal.**

~~Any person who knows or has reason to know that an animal is used for law-enforcement purposes such as investigation, detection of narcotics or explosives, or crowd control, by any law enforcement agency and who willfully and not in self defense, causes serious injury to, maims, or kills that animal is guilty of a Class I felony.~~

(a) The following definitions apply in this section:

(1) Assistance animal. – An animal that is trained and may be used to assist a person who is handicapped as defined in G.S. 168-1. The term 'assistance animal' is not limited to a dog and includes any animal trained to assist a handicapped person as provided in Article 1 of Chapter 168 of the General Statutes.

(2) Law enforcement agency animal. – An animal that is trained and may be used to assist a law enforcement officer in the performance of the officer's official duties.

(3) Physical harm. – Any injury, illness, or other physiological impairment, regardless of its gravity or duration.

(4) Serious physical harm. – Physical harm that does any of the following:

a. Carries a substantial risk of death.

1                    b. Causes permanent maiming or that involves some temporary,  
2                    substantial maiming.

3                    c. Causes acute pain of a duration that results in substantial  
4                    suffering.

5            (b) Any person who knows or has reason to know that an animal is a law  
6 enforcement agency animal or an assistance animal and who willfully and not in self-  
7 defense causes or attempts to cause serious physical harm to the animal is guilty of a  
8 Class I felony.

9            (c) Unless the conduct is covered under some other provision of law providing  
10 greater punishment, any person who knows or has reason to know that an animal is a  
11 law enforcement agency animal or an assistance animal and who willfully and not in  
12 self-defense causes or attempts to cause physical harm to the animal is guilty of a Class  
13 A1 misdemeanor.

14           (d) Unless the conduct is covered under some other provision of law providing  
15 greater punishment, any person who knows or has reason to know that an animal is a  
16 law enforcement agency animal or an assistance animal and who willfully and not in  
17 self-defense does any of the following is guilty of a Class 1 misdemeanor:

18                (1) Taunts, teases, or harasses the animal.

19                (2) Delays, obstructs, or attempts to delay or obstruct the animal in the  
20                performance of an official duty.

21           (e) This section does not apply to a licensed veterinarian whose conduct is in  
22 accordance with Article 11 of Chapter 90 of the General Statutes.

23           (f) Self-defense is an affirmative defense to a violation of this section."

24           **SECTION 2.** This act becomes effective December 1, 2001, and applies to  
25 offenses committed on or after that date. Prosecutions for offenses committed before  
26 the effective date of this act are not abated or affected by this act, and the statutes that  
27 would be applicable but for this act remain applicable to those prosecutions.