

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH50364-MA-366 (03/26)

Short Title: Kill Search and Rescue Animal.

(Public)

Sponsors: Representative Frye.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE IT A CLASS H FELONY TO WILLFULLY KILL OR ATTEMPT TO
3 KILL A SEARCH AND RESCUE ANIMAL AND TO MAKE IT AN AGGRAVATING
4 CIRCUMSTANCE FOR OTHER CRIMINAL OFFENSES THAT A SEARCH AND
5 RESCUE ANIMAL WAS SERIOUSLY HARMED OR KILLED WHILE THE ANIMAL
6 WAS ENGAGED IN PERFORMING OFFICIAL DUTIES.

7 The General Assembly of North Carolina enacts:

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

9 "§ 14-163.1. **Assaulting a law enforcement agency animal or an assistance animal.**

10 (a) The following definitions apply in this section:

11 (1) Assistance animal. – An animal that is trained and may be used to assist a
12 "person with a disability" as defined in G.S. 168A-3. The term "assistance
13 animal" is not limited to a dog and includes any animal trained to assist a
14 person with a disability as provided in Article 1 of Chapter 168 of the
15 General Statutes.

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

19 (2a) Search and rescue animal. – An animal that is trained and may be used to
20 assist in a search and rescue operation.

21 (3) Harm. – Any injury, illness, or other physiological impairment; or any
22 behavioral impairment that impedes or interferes with duties performed by a
23 law enforcement agency animal or an assistance animal.

24 (4) Serious harm. – Harm that does any of the following:

25 a. Creates a substantial risk of death.

26 b. Causes maiming or causes substantial loss or impairment of bodily
27 function.

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

29 d. Requires retraining of the law enforcement agency animal or
30 assistance animal.

31 e. Requires retirement of the law enforcement agency animal or
32 assistance animal from performing duties.

33 (a1) Any person who knows or has reason to know that an animal is a law enforcement
34 agency ~~animal or animal~~, an assistance ~~animal~~-animal, or a search and rescue animal and who
35 willfully kills the animal is guilty of a Class H felony.



1 (b) Any person who knows or has reason to know that an animal is a law enforcement
2 agency ~~animal or an assistance animal~~ animal, an assistance animal, or a search and rescue
3 animal and who willfully causes or attempts to cause serious harm to the animal is guilty of a
4 Class I felony.

5 (c) Unless the conduct is covered under some other provision of law providing greater
6 punishment, any person who knows or has reason to know that an animal is a law enforcement
7 agency ~~animal or an assistance animal~~ animal, an assistance animal, or a search and rescue
8 animal and who willfully causes or attempts to cause harm to the animal is guilty of a Class 1
9 misdemeanor.

10 (d) Unless the conduct is covered under some other provision of law providing greater
11 punishment, any person who knows or has reason to know that an animal is a law enforcement
12 agency ~~animal or an assistance animal~~ animal, an assistance animal, or a search and rescue
13 animal and who willfully taunts, teases, harasses, delays, obstructs, or attempts to delay or
14 obstruct the animal in the performance of its duty as a law enforcement agency ~~animal or~~
15 ~~assistance animal~~ animal, an assistance animal, or a search and rescue animal is guilty of a Class
16 2 misdemeanor.

17 (d1) A defendant convicted of a violation of this section shall be ordered to make
18 restitution to the person with a disability, or to a person, group, or law enforcement agency who
19 owns or is responsible for the care of the law enforcement agency animal or search and rescue
20 animal for any of the following as appropriate:

- 21 (1) Veterinary, medical care, and boarding expenses for the assistance animal or
22 law enforcement animal.
- 23 (2) Medical expenses for the person with the disability relating to the harm
24 inflicted upon the assistance animal.
- 25 (3) Replacement and training or retraining expenses for the assistance animal or
26 law enforcement animal.
- 27 (4) Expenses incurred to provide temporary mobility services to the person with
28 a disability.
- 29 (5) Wages or income lost while the person with a disability is with the
30 assistance animal receiving training or retraining.
- 31 (6) The salary of the law enforcement agency animal handler as a result of the
32 lost services to the agency during the time the handler is with the law
33 enforcement agency animal receiving training or retraining.
- 34 (7) Any other expense reasonably incurred as a result of the offense.

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

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

38 (g) Nothing in this section shall affect any civil remedies available for violation of this
39 section."

40 **SECTION 2.** G.S. 15A-1340.16(d)(6a) reads as rewritten:

41 "(6a) The offense was committed against or proximately caused serious harm as
42 defined in G.S. 14-163.1 or death to a law enforcement agency ~~animal or~~
43 ~~assistance animal~~ animal, an assistance animal, or a search and rescue animal
44 as defined in G.S. 14-163.1, while engaged in the performance of the
45 animal's official duties."

46 **SECTION 3.** This act becomes effective December 1, 2009, and applies to
47 offenses committed on or after that date.