

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS15114-LL-138 (2/5)

Short Title: Restraining of Dogs.

(Public)

Sponsors: Senator Garrou.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CRIMINAL LAW CONCERNING RESTRAINING OF DOGS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-362.3 reads as rewritten:

"§ 14-362.3. Restraining dogs in a cruel manner.

(a) A person who ~~maliciously~~ knowingly restrains a dog using a chain or wire grossly in excess of the size or weight necessary to restrain the dog safely or other type of tethering device in violation of this section is guilty of a Class 1 misdemeanor. ~~For purposes of this section, "maliciously" means the person imposed the restraint intentionally and with malice or bad motive.~~

(b) No person shall tether, fasten, chain, tie, or restrain a dog, or cause such restraining of a dog, to a tree, fence, post, dog house, or other stationary object for more than three hours in a 24-hour period. During periods of tethering that are not unlawful under this subsection, any tethering device used shall be at least 15 feet in length and attached in such manner as to prevent strangulation or other injury to the dog and entanglement with objects other than the stationary objects to which the device is attached.

(c) No person shall attach a chain or wire or other tethering device to, or cause such attachment to, a choke-type or pronged collar on a dog.

(d) No person shall attach a chain or wire or other tethering device to a dog in such manner that does not allow the dog access to water and adequate shelter.

(e) Notwithstanding the provisions of subsection (b) of this section, a person may, subject to the provisions of subsections (c) and (d) of this section:

(1) Tether and restrain a dog while actively engaged in:

a. Use of the dog in shepherding or herding livestock, or

b. Use of the dog in the business of cultivating agricultural products, if the restraining is reasonably necessary for the safety of the dog, or

c. Use of the dog in lawful hunting activities if the restraint is reasonably necessary for the safety of the dog.

(2) After taking possession of a dog that appears to be a stray dog and after having advised animal control authorities of the capture of the dog, tether and restrain the dog during such time as the person having taken possession of the dog is seeking the identity of the owner of the dog.

(3) Walk a dog with a handheld leash.

(f) Restraining a dog in a manner prohibited by this section constitutes cruelty as defined in G.S. 19A-1(2).



1 (g) A county, city, or town may by ordinance reduce the time of permissible tethering
2 provided in subsections (b) of this section, including a prohibition on tethering."

3 **SECTION 2.** This act becomes effective December 1, 2009, and applies to acts
4 committed on or after that date.