

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S

1

SENATE BILL 482

Short Title: The Haiden Prevatte Act. (Public)

Sponsors: Senator McInnis (Primary Sponsor).

Referred to: Rules and Operations of the Senate

April 3, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND THE LIST OF PERSONS WHO DETERMINE WHEN A DOG IS A
3 "POTENTIALLY DANGEROUS DOG" AND TO EXPAND THE SCOPE OF THE
4 PENALTY IMPOSED ON THE OWNER OF A DANGEROUS DOG THAT ATTACKS A
5 PERSON.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** This act shall be known as the "Haiden Prevatte Act."

8 **SECTION 2.** G.S. 67-4.1 reads as rewritten:

9 **"§ 67-4.1. Definitions and procedures.**

10 (a) As used in this Article, unless the context clearly requires otherwise and except as
11 modified in subsection (b) of this section, the term:

12 (1) "Dangerous dog" means

13 a. A dog ~~that~~ that meets either of the following requirements:

14 1. Without provocation has killed or inflicted severe injury on a
15 ~~person; or~~ person.

16 2. Is determined by a local law enforcement officer or the person
17 or Board designated by the county or municipal authority
18 responsible for animal control to be potentially dangerous
19 because the dog has engaged in one or more of the behaviors
20 listed in subdivision (2) of this subsection.

21 b. Any dog owned or harbored primarily or in part for the purpose of dog
22 fighting, or any dog trained for dog fighting.

23 (2) "Potentially dangerous dog" means a dog that a local law enforcement officer
24 or the person or Board designated by the county or municipal authority
25 responsible for animal control determines to ~~have~~ have done any of the
26 following:

27 a. Inflicted a bite on a person that resulted in broken bones or disfiguring
28 lacerations or required cosmetic surgery or ~~hospitalization;~~
29 ~~or~~ hospitalization.

30 b. Killed or inflicted severe injury upon a domestic animal when not on
31 the owner's real ~~property; or~~ property.

32 c. Approached a person when not on the owner's property in a vicious or
33 terrorizing manner in an apparent attitude of attack.

34 ...

35 (b) The provisions of this Article do not apply ~~to~~ to any of the following:



* S 4 8 2 - V - 1 *

- 1 (1) A dog being used by a law enforcement officer to carry out the law
2 enforcement officer's official ~~duties;~~duties.
3 (2) A dog being used in a lawful ~~hunt;~~hunt.
4 (3) A dog where the injury or damage inflicted by the dog was sustained by a
5 domestic animal while the dog was working as a hunting dog, herding dog, or
6 predator control dog on the property of, or under the control of, its owner or
7 keeper, and the damage or injury was to a species or type of domestic animal
8 appropriate to the work of the ~~dog;~~ or dog.
9 (4) A dog where the injury inflicted by the dog was sustained by a person who, at
10 the time of the injury, was committing a willful trespass or other tort, was
11 tormenting, abusing, or assaulting the dog, had tormented, abused, or
12 assaulted the dog, or was committing or attempting to commit a crime.

13 (c) The county or municipal authority responsible for animal control shall designate a
14 person or a Board to be responsible for determining when a dog is a "potentially dangerous dog"
15 and shall designate a separate Board to hear any appeal. Additionally, a local law enforcement
16 officer may determine when a dog is a "potentially dangerous dog." ~~The person~~ law enforcement
17 officer, person, or Board making the determination that a dog is a "potentially dangerous dog"
18 must notify the owner in writing, giving the reasons for the determination, before the dog may
19 be considered potentially dangerous under this Article. The owner may appeal the determination
20 by filing written objections with the appellate Board within three days. The appellate Board shall
21 schedule a hearing within 10 days of the filing of the objections. Any appeal from the final
22 decision of such appellate Board shall be taken to the superior court by filing notice of appeal
23 and a petition for review within 10 days of the final decision of the appellate Board. Appeals
24 from rulings of the appellate Board shall be heard in the superior court division. The appeal shall
25 be heard de novo before a superior court judge sitting in the county in which the appellate Board
26 whose ruling is being appealed is located."

27 **SECTION 3.** G.S. 67-4.3 reads as rewritten:

28 "**§ 67-4.3. Penalty for attacks by dangerous dogs.**

29 ~~The~~ Except as otherwise provided in this section, the owner of a dangerous dog that attacks
30 a person and causes physical ~~injuries requiring medical treatment in excess of one hundred dollars~~
31 ~~(\$100.00)~~ injury to the person, injury to the person's personal property, or both physical injury to
32 the person and injury to the person's personal property, shall be guilty of a Class 1 misdemeanor.
33 The owner of a dangerous dog that kills a person is guilty of a Class I felony."

34 **SECTION 4.** This act becomes effective December 1, 2019, and applies to offenses
35 committed on or after that date.