

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 1005

Short Title: Eva's Act.

(Public)

Sponsors: Representatives Longest, Ward, Dahle, and Harrison (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Appropriations, if favorable, Rules, Calendar, and Operations of the House

May 6, 2024

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT CRUELTY TO ANIMALS INCLUDES THE FAILURE TO  
3 PROVIDE ADEQUATE SPACE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 14-360 reads as rewritten:

6 "§ 14-360. Cruelty to animals; construction of section.

7 (a) ~~If any person shall~~ Persons who (i) intentionally overdrive, overload, wound, injure,  
8 torment, ~~kill, or kill an animal,~~ or deprive any animal of necessary sustenance, or adequate space  
9 or (ii) cause or procure any animal to be overdriven, overloaded, wounded, injured, tormented,  
10 killed, or deprived of necessary sustenance, ~~any animal, every such offender shall for every such~~  
11 ~~offense be or adequate space are guilty of a Class 1 misdemeanor, with each act~~  
12 constituting a separate offense.

13 (a1) ~~If any person shall~~ Persons who maliciously kill, or cause or procure to be killed, any  
14 animal by intentional deprivation of necessary ~~sustenance, that person shall be~~ sustenance are  
15 guilty of a Class H felony.

16 (b) ~~If any person shall~~ Persons who maliciously torture, mutilate, maim, cruelly beat,  
17 disfigure, poison, or kill, or cause or procure to be tortured, mutilated, maimed, cruelly beaten,  
18 disfigured, poisoned, or killed, any ~~animal, every such offender shall for every such offense be~~  
19 animal are guilty of a Class H ~~felony.~~ felony, with each act constituting a separate offense.  
20 However, nothing in this section shall be construed to increase the penalty for cockfighting  
21 provided for in G.S. 14-362.

22 (c) ~~As used~~ The following definitions apply in this section, the words "torture", "torment",  
23 and "cruelly" include or refer to any act, omission, or neglect causing or permitting unjustifiable  
24 pain, suffering, or death. As used in this section, the word "intentionally" refers to an section:

25 (1) Adequate space. – Sufficient space to allow each animal freedom of  
26 movement. Adequate space for an animal that is tethered means all of the  
27 following:

28 a. The tether to which the animal is attached permits freedom of  
29 movement and is appropriate to the age and size of the animal; is  
30 attached to the animal by a properly applied collar, halter, or harness  
31 configured so as to protect the animal from injury and prevent the  
32 animal or tether from becoming entangled with other objects or  
33 animals or from extending over an object or edge that could result in  
34 the strangulation or injury of the animal.



- 1                    b.     The tether is at least 15 feet in length or four times the length of the  
2                    animal, as measured from the tip of its nose to the base of its tail,  
3                    whichever is greater, except when the animal is being walked on a  
4                    leash or is attached by a tether to a lead line; does not, by its material,  
5                    size, or weight or any other characteristic, cause injury or pain to the  
6                    animal.
- 7                    c.     The tether does not weigh more than one-tenth of the animal's body  
8                    weight and does not have weights or other heavy objects attached to  
9                    it.
- 10                  d.     Tethering does not include the walking of an animal on a leash.
- 11                  (2)   Animal. – Every living vertebrate in the classes Amphibia, Reptilia, Aves, and  
12                  Mammalia except human beings.
- 13                  (3)   Freedom of movement. – With respect to an animal, means the animal can (i)  
14                  easily stand, sit, lie, turn around, and make all other normal body movements  
15                  in a comfortable, normal position for the animal and (ii) interact safely with  
16                  other animals in the same enclosure.
- 17                  (4)   Intentionally. – With respect to an act, that the act was committed knowingly  
18                  and without justifiable excuse, while the word "maliciously" means an excuse.
- 19                  (5)   Lawful hunt. – The pursuit or taking of game animals in compliance with  
20                  applicable laws and rules of the Wildlife Resources Commission.
- 21                  (6)   Maliciously. – With respect to an act, that the act was committed intentionally  
22                  and with malice or bad motive. ~~As used in this section, the term "animal"~~  
23                  ~~includes every living vertebrate in the classes Amphibia, Reptilia, Aves, and~~  
24                  ~~Mammalia except human beings. However, this~~
- 25                  (7)   Torture, torment, or cruelty. – Includes any act, omission, or neglect causing  
26                  or permitting unjustifiable pain, suffering, or death.
- 27                  (d)   Exclusions. – This section shall not apply to the following activities:
- 28                    (1)   The lawful taking of animals under the jurisdiction and regulation of the  
29                    Wildlife Resources Commission, except that this section shall apply to those  
30                    birds other than pigeons exempted by the Wildlife Resources Commission  
31                    from its definition of "wild birds" pursuant to G.S. 113-129(15a).
- 32                    (2)   Lawful activities conducted for purposes of biomedical research or training or  
33                    for purposes of production of livestock, poultry, or aquatic species.
- 34                    (2a) Lawful activities conducted for the primary purpose of providing food for  
35                    human or animal consumption.
- 36                    (3)   Activities conducted for lawful veterinary purposes.
- 37                    (4)   The lawful destruction of any animal for the purposes of protecting the public,  
38                    other animals, property, or the public health.
- 39                    (5)   The physical alteration of livestock or poultry for the purpose of conforming  
40                    with breed or show standards.
- 41                    (6)   The use of a dog in a lawful hunt."

42                  **SECTION 2.** The sum of fifty thousand dollars (\$50,000) for the 2024-2025 fiscal  
43                  year is appropriated to the Department of Agriculture and Consumer Services for a public  
44                  awareness campaign conducted by the Department's Animal Welfare Section regarding the  
45                  changes to animal cruelty laws made by this act.

46                  **SECTION 3.** Section 1 of this act becomes effective December 1, 2024, and applies  
47                  to offenses committed on or after that date. The remainder of this act becomes effective July 1,  
48                  2024.