

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 744

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: Rules, Calendar, and Operations of the House

April 19, 2023

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT CRUELTY TO ANIMALS INCLUDES THE FAILURE TO
PROVIDE ADEQUATE SPACE.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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



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- 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) Extreme weather. – Any of the following:
- 14 a. The effective period of a hurricane warning or tropical storm warning
15 issued for the area by the National Weather Service.
- 16 b. The effective period for a heat advisory issued by a local or State
17 authority.
- 18 c. Any period when the actual or effective outdoor temperature is above
19 85 degrees Fahrenheit or below 32 degrees Fahrenheit.
- 20 d. The effective period for a severe weather warning issued for the area
21 by the National Weather Service, including a winter storm, tornado, or
22 severe thunderstorm warning.
- 23 (4) Freedom of movement. – With respect to an animal, means the animal can (i)
24 easily stand, sit, lie, turn around, and make all other normal body movements
25 in a comfortable, normal position for the animal and (ii) interact safely with
26 other animals in the same enclosure.
- 27 (5) Intentionally. – With respect to an act, that the act was committed knowingly
28 and without justifiable excuse, while the word "maliciously" means an excuse.
- 29 (6) Lawful hunt. – The pursuit or taking of game animals in compliance with
30 applicable laws and rules of the Wildlife Resources Commission.
- 31 (7) Maliciously. – With respect to an act, that the act was committed intentionally
32 and with malice or bad motive. As used in this section, the term "animal"
33 includes every living vertebrate in the classes Amphibia, Reptilia, Aves, and
34 Mammalia except human beings. However, this
- 35 (8) Torture, torment, or cruelly. – Includes any act, omission, or neglect causing
36 or permitting unjustifiable pain, suffering, or death.
- 37 (d) Exclusions. – This section shall not apply to the following activities:
- 38 (1) The lawful taking of animals under the jurisdiction and regulation of the
39 Wildlife Resources Commission, except that this section shall apply to those
40 birds other than pigeons exempted by the Wildlife Resources Commission
41 from its definition of "wild birds" pursuant to G.S. 113-129(15a).
- 42 (2) Lawful activities conducted for purposes of biomedical research or training or
43 for purposes of production of livestock, poultry, or aquatic species.
- 44 (2a) Lawful activities conducted for the primary purpose of providing food for
45 human or animal consumption.
- 46 (3) Activities conducted for lawful veterinary purposes.
- 47 (4) The lawful destruction of any animal for the purposes of protecting the public,
48 other animals, property, or the public health.
- 49 (5) The physical alteration of livestock or poultry for the purpose of conforming
50 with breed or show standards.
- 51 (6) The use of a dog in a lawful hunt."

1 **SECTION 2.** This act becomes effective December 1, 2023, and applies to offenses
2 committed on or after that date.