

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1098
Committee Substitute Favorable 4/15/09
Senate Judiciary II Committee Substitute Adopted 7/2/09

Short Title: Protect Search and Rescue Animal.

(Public)

Sponsors:

Referred to:

April 7, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THE SAME PROTECTIONS TO SEARCH AND RESCUE
3 ANIMALS AS THOSE PROVIDED TO LAW ENFORCEMENT AGENCY ANIMALS
4 AND ANIMALS THAT ASSIST THE DISABLED.

5 The General Assembly of North Carolina enacts:

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

7 "§ 14-163.1. **Assaulting a law enforcement agency ~~animal or animal~~, an assistance
8 ~~animal-animal~~, or a search and rescue animal.**

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

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

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

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

21 (3a) Search and rescue animal. – An animal that is trained and may be used to
22 assist in a search and rescue operation.

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

24 a. Creates a substantial risk of death.

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

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

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

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

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

35 (b) Any person who knows or has reason to know that an animal is a law enforcement
36 agency ~~animal or an assistance animal-animal~~, an assistance animal, or a search and rescue



1 animal and who willfully causes or attempts to cause serious harm to the animal is guilty of a
2 Class I felony.

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

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

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

- 19 (1) Veterinary, medical care, and boarding expenses for the ~~assistance animal or~~
20 ~~law enforcement animal~~ law enforcement agency animal, the assistance
21 animal, or the search and rescue animal.
- 22 (2) Medical expenses for the person with the disability relating to the harm
23 inflicted upon the assistance animal.
- 24 (3) Replacement and training or retraining expenses for the ~~assistance animal or~~
25 ~~law enforcement animal~~ law enforcement agency animal, the assistance
26 animal, or the search and rescue 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 (6a) The salary of the search and rescue animal handler as a result of the search
35 and rescue services lost during the time the handler is with the search and
36 rescue animal receiving training or retraining.
- 37 (7) Any other expense reasonably incurred as a result of the offense.

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

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

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

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

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

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