

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

3

HOUSE BILL 66
Committee Substitute Favorable 2/6/13
Third Edition Engrossed 2/12/13

Short Title: Captivity License and Permit Amendments.-AB

(Public)

Sponsors:

Referred to:

February 5, 2013

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW PROVIDING FOR THE ISSUANCE OF CAPTIVITY
LICENSES AND PERMITS BY THE WILDLIFE RESOURCES COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-272.5(a) reads as rewritten:

"(a) In the interests of humane treatment of wild animals and wild birds that are lawfully taken, crippled, tame, or ~~otherwise~~ unfit for immediate release into their natural habitat, the Wildlife Resources Commission may license qualified individuals to hold at a specified location one or more of any particular species of wild animal or wild bird alive in ~~captivity~~ captivity for scientific, educational, exhibition, or other purposes. Before issuing this license, the Executive Director must satisfy himself that issuance of the license is appropriate under the objectives of this Subchapter, and that the wild animal or wild bird was not acquired unlawfully or merely as a pet. Upon refusing to issue the captivity license, the Executive Director may either take possession of the wild animal or wild bird for appropriate disposition or issue a captivity permit under G.S. 113-274(c)(1b) for a limited period until the holder makes proper disposition of the wild animal or wild bird."

SECTION 2. G.S. 113-274(c) reads as rewritten:

"(c) The Wildlife Resources Commission may issue the following permits:

...

(1b) Captivity Permit. – Authorizes the possession of live wildlife that may lawfully be permitted to be retained alive, in accordance with governing rules of the Wildlife Resources Commission. This permit may not substitute for any required collection license or captivity license, but may be temporarily issued for possession of wild animals or wild birds for scientific, educational, exhibition, or other purposes pending action on a captivity license or following its denial or termination. If this permit is issued for fish to be held indefinitely, the Wildlife Resources Commission may provide for periodic renewals of the permit, at least once each three years, to insure a review of the circumstances and conditions under which fish are kept. Wild animals and wild birds kept temporarily in captivity under this permit must be humanely treated and in accordance with any stipulations in the permit, but the standards of caging and care applicable to species kept under the captivity license do not apply unless specified in the permit. Any substantial deviation from reasonable requirements imposed by rule or administratively



* H 6 6 - V - 3 *

1 under the authority of this section renders the possession of the wildlife
2 unlawful.

3"

4 SECTION 3. G.S. 19A-1.1 reads as rewritten:

5 "§ 19A-1.1. Exemptions.

6 This Article shall not apply to the following:

7 ...

8 (7) The taking and holding in captivity of a wild animal by a licensed sportsman
9 for use or display in an annual, seasonal, or cultural event, so long as the
10 animal is captured from the wild and returned to the wild at or near the area
11 where it was captured."

12 SECTION 4. G.S. 19A-2 reads as rewritten:

13 "§ 19A-2. Purpose

14 It shall be the purpose of this Article to provide a civil remedy for the protection and
15 humane treatment of animals in addition to any criminal remedies that are available and it shall
16 be proper in any action to combine causes of action against one or more defendants for the
17 protection of one or more animals. A real party in interest as plaintiff shall be held to include
18 any person even though the person does not have a possessory or ownership right in an animal;
19 a real party in interest as defendant shall include any person who owns or has possession of an
20 animal. Venue for any action filed under this Chapter shall only be in the county in superior
21 court where any violation is alleged to have occurred."

22 SECTION 5. This act is effective when it becomes law.