

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 271*

Short Title: Amend Dangerous Dog Law. (Public)

Sponsors: Representatives R. Moore, Alexander, Lucas, and Tine (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Wildlife Resources, if favorable, Judiciary IV.

March 18, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW REGULATING THE OWNERSHIP OF DANGEROUS
3 DOGS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 1A of Chapter 67 of the General Statutes reads as rewritten:

6 "Article 1A.

7 "Dangerous Dogs.

8 **"§ 67-4.1. Definitions and procedures.**

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

11 (1) ~~"Dangerous dog" means~~

12 a. ~~A dog that:~~

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

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

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

22 (1a) "At-risk dog" means any dog that, without provocation:

23 a. Engages in any behavior that requires a defensive action by a human
24 to avoid bodily injury.

25 b. Acts in an aggressive manner within a fenced yard or enclosure and
26 appears to law enforcement to be capable of jumping over or
27 otherwise escaping the fence or enclosure.

28 c. Bites a person without causing a significant break in the skin or
29 serious or severe injury as defined in this section.

30 (2) ~~"Potentially dangerous"~~"Dangerous dog" means a dog that the person or
31 Board designated by the county or municipal authority responsible for
32 animal control determines to ~~have:~~have, without provocation:

33 a. Inflicted a bite on a person that resulted in broken bones or
34 disfiguring lacerations or required cosmetic surgery or
35 hospitalization; or



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- 1 b. Killed or inflicted ~~severe~~serious injury upon a domestic animal when
 2 not on ~~the~~its owner's real property; or
 3 c. Approached a person when not on ~~the~~its owner's property in a
 4 vicious or terrorizing manner in an apparent attitude of attack.

5 The term also includes a dog determined to be a dangerous dog under
 6 G.S. 67-41.A(b).

7 (3) "Owner" means any person or legal entity that has a possessory property
 8 right in a dog.

9 (4) "Owner's real property" means any real property owned or leased by the
 10 owner of the dog, but does not include any public right-of-way or a common
 11 area of a condominium, apartment complex, or townhouse development.

12 (5) ~~"Severe"~~"Serious injury" means any physical injury that results in broken
 13 ~~bones or disfiguring lacerations or required cosmetic surgery or~~hospitalization, bones, lacerations, or other non-life-threatening injuries that
 14 ~~hospitalization.~~ do not qualify as severe injuries under subdivision (6) of this subsection.

15 (6) "Severe injury" means any physical injury that results in a substantial risk of
 16 death, serious permanent disfigurement, or protracted loss or impairment of
 17 the function of a body part or organ.

18 (7) "Vicious dog" means

19 a. A dog that:

20 1. Without provocation has killed or inflicted severe injury on a
 21 person; or

22 2. Has already been determined to be a dangerous dog as
 23 provided in subsection (c) of this section, and is subsequently
 24 determined to have committed any of the acts listed in
 25 subdivision (2) of this subsection attributable to dangerous
 26 dogs.

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

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

30 (1) A dog being used by a law enforcement officer to carry out the law
 31 enforcement officer's official ~~duties;~~duties.

32 (2) A dog ~~being used~~participating in a lawful ~~hunt;~~hunt while under the direct
 33 control of its owner or handler.

34 (3) A dog where the injury or damage inflicted by the dog was sustained by a
 35 domestic animal while the dog was working as a hunting dog, herding dog,
 36 or predator control dog on the property of, or under the control of, its owner
 37 or keeper, and the damage or injury was to a species or type of domestic
 38 animal appropriate to the work of the ~~dog;~~or dog.

39 (4) A dog where the injury inflicted by the dog was sustained by a person who,
 40 at the time of the injury, was committing a willful trespass or other tort, was
 41 tormenting, abusing, or assaulting the dog, had tormented, abused, or
 42 assaulted the dog, or was committing or attempting to commit a crime.

43 (5) Excessive barking or vocalization, as long as the dog is not exhibiting other
 44 at-risk, dangerous, or vicious behaviors as defined in this section.

45 (c) The county or municipal authority responsible for animal control shall designate a
 46 person or a Board to be responsible for determining when a dog is a ~~"potentially dangerous~~
 47 ~~dog"~~an at-risk dog, a dangerous dog, or a vicious dog and shall designate a separate Board to
 48 hear any appeal. The person or Board making the determination ~~that a dog is a "potentially~~
 49 ~~dangerous dog"~~ must notify the owner in writing, giving the reasons for the determination,
 50 before the dog may be considered ~~potentially dangerous~~at-risk, dangerous, or vicious under this
 51

1 Article. The owner may appeal the determination by filing written objections with the appellate
2 Board within three days. The appellate Board shall schedule a hearing within 10 days of the
3 filing of the objections. Any appeal from the final decision of such appellate Board shall be
4 taken to the superior court by filing notice of appeal and a petition for review within 10 days of
5 the final decision of the appellate Board. Appeals from rulings of the appellate Board shall be
6 heard in the superior court division. The appeal shall be heard de novo before a superior court
7 judge sitting in the county in which the appellate Board whose ruling is being appealed is
8 located.

9 **"§ 67-4.1A. Procedure for at-risk dogs.**

10 (a) Upon a first determination under G.S. 67-4.1(c) that a dog is an at-risk dog, and
11 after appropriate notification and any appeals pursuant to that subsection, the county or
12 municipal authority responsible for animal control shall require the owner of the dog to take
13 appropriate steps to correct the behavior, such as the successful completion of a dog behavior
14 class, American Kennel Club canine good citizen certification program, or a similar program
15 found acceptable by the authority.

16 (b) If a dog previously determined to be at-risk exhibits at-risk behavior a second time
17 within 24 months, the owner is responsible for an infraction as defined in G.S. 14-3.1. The
18 county or municipal authority responsible for animal control may then declare the dog a
19 dangerous dog, subject to a hearing and any appeals as set forth in G.S. 67-4.1(c).

20 (c) The owner of a dog determined to be an at-risk dog may apply to the county or
21 municipal authority responsible for animal control to have the designation removed if 24
22 months have elapsed with no further at-risk behaviors as defined in this Article.

23 **"§ 67-4.2. Precautions against attacks by vicious or dangerous dogs.**

24 (a) It is unlawful for an owner to:

- 25 (1) Leave a vicious or dangerous dog unattended on the owner's real property
26 unless the dog is confined indoors, in a securely enclosed and locked pen, or
27 in another structure designed to restrain the dog;
- 28 (2) Permit a dangerous dog to go beyond the owner's real property unless the
29 dog is leashed on a tether no longer than six feet in length and muzzled or is
30 otherwise securely restrained and muzzled.
- 31 (3) Keep a vicious or dangerous dog on the premises without posting a sign in a
32 conspicuous location on the outside of the property within 30 days of the
33 determination that the dog is dangerous or vicious, alerting those entering
34 the property that a dangerous dog or vicious dog is on the premises. A sign
35 stating "Beware of Dog," "Dangerous/Vicious Dog on Premises," or similar
36 language is appropriate for purposes of this requirement.

37 (b) If the owner of a dangerous dog determined to be either dangerous or vicious under
38 G.S. 67-4.1(c) transfers ownership or possession of the dog to another person (as defined in
39 G.S. 12-3(6)), the owner shall provide written notice to:

- 40 (1) The authority that made the determination under this Article, stating the
41 name and address of the new owner or possessor of the dog; and
- 42 (2) The person taking ownership or possession of the dog, specifying the dog's
43 dangerous behavior and the authority's determination.

44 (c) Violation of this section is a Class 3 misdemeanor.

45 **"§ 67-4.2A. Additional requirements for owners of vicious dogs.**

46 (a) It is unlawful for an owner to:

- 47 (1) Possess a vicious dog without the dog being registered as a vicious dog with
48 the county or municipal authority responsible for animal control.
- 49 (2) Possess a vicious dog that has not been sterilized, provided that the dog is of
50 an appropriate age and health for sterilization, as determined by a licensed
51 veterinarian.

1 (b) It is unlawful for any person to knowingly permit a person under 18 years of age to
2 own, control, or be responsible for the care of a vicious dog.

3 (c) Violation of this section is a Class 3 misdemeanor.

4 **"§ 67-4.3. Penalty for attacks by vicious or dangerous dogs.**

5 (a) The owner of a dog previously determined to be vicious under G.S. 67-4.1(c) that
6 attacks a person and causes serious physical injury shall be guilty of a Class I felony.

7 (b) The owner of a dog previously determined to be vicious under G.S. 67-4.1(c) that
8 attacks a person and causes the victim's death shall be guilty of a Class F felony. The county or
9 municipal authority responsible for animal control shall provide for the dog responsible for the
10 attack to be humanely euthanized.

11 (c) The owner of a ~~dangerous~~ dog previously determined to be dangerous under
12 G.S. 67-4.1(c) that attacks a person and causes physical injuries requiring medical treatment in
13 excess of ~~one hundred dollars (\$100.00)~~ one thousand dollars (\$1,000.00) shall be guilty of a
14 Class 1 misdemeanor.

15 **"§ 67-4.4. Strict liability.**

16 The owner of a vicious or dangerous dog shall be strictly liable in civil damages for any
17 injuries or property damage the dog inflicts upon a person, his property, or another animal.

18 **"§ 67-4.5. Local ordinances.**

19 Nothing in this Article shall be construed to prevent a city or county from adopting or
20 enforcing its own ~~program~~ program, law, or regulation for control of dangerous ~~dogs~~ dogs,
21 provided that no such program, law, or regulation shall be specific as to the breed, phenotype,
22 or appearance of the dogs subject to it."

23 **SECTION 2.** This act becomes effective December 1, 2015, and applies to
24 offenses committed on or after that date.