

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 423

Short Title: North Carolina Animal Abuser Registry Act. (Public)

Sponsors: Senators McKissick and Britt (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 1, 2019

1 A BILL TO BE ENTITLED
2 AN ACT CREATING THE NORTH CAROLINA ANIMAL ABUSER REGISTRY AND
3 RELATING TO FORFEITING OWNERSHIP OF AN ANIMAL TREATED CRUELLY,
4 SO AS TO PROHIBIT A PERSON CONVICTED OF A REPEAT VIOLATION OF
5 CRUELTY TO ANIMALS FROM OWNING AN ANIMAL FOR A PERIOD NOT TO
6 EXCEED FIVE YEARS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** This act shall be known and may be cited as the "North Carolina
9 Animal Abuser Registry Act."

10 **SECTION 2.** Chapter 14 of the General Statutes is amended by adding a new Article
11 to read:

12 "Article 47A.

13 "Animal Abuser Registry.

14 **"§ 14-363.5. Definitions.**

15 The following definitions apply in this Article:

- 16 (1) Abuser or animal abuser. – A person who has been convicted in this State of
17 committing an animal abuse offense.
18 (2) Animal abuse offense. – A violation of Article 47 of Chapter 14 of the General
19 Statutes.
20 (3) Conviction. – A judgment entered by a North Carolina court upon a plea of
21 guilty, a plea of nolo contendere, or a finding of guilt by a jury or the court,
22 notwithstanding any pending appeal or habeas corpus proceeding arising from
23 the judgment.
24 (4) Department. – The North Carolina Department of Public Safety.

25 **"§ 14-363.6. Animal abuser registry.**

26 (a) Beginning January 1, 2020, the Department shall post a publicly accessible list on its
27 Internet Web site of any person convicted of an animal abuse offense on and after that date. The
28 list shall include a photograph taken of the convicted animal abuser as part of the booking
29 process, the animal abuser's full legal name, and other identifying data as the Department
30 determines is necessary to properly identify the animal abuser and to exclude innocent persons.
31 The list shall not include the abuser's Social Security number, drivers license number, or any
32 other State or federal identification number.

33 (b) The clerks of court shall forward a copy of the judgment and date of birth of all
34 persons convicted of an animal abuse offense to the Department within 60 calendar days of the
35 date of judgment.



1 (c) Upon a person's first conviction for an animal abuse offense, the Department shall
2 maintain the person's name and other identifying information, described in subsection (a) of this
3 section, for two years following the date of conviction, after which time the Department shall
4 remove the person's name and identifying information from the list; provided, that the person is
5 not convicted of another animal abuse offense during that two-year period.

6 (d) Upon a person's subsequent conviction for an animal abuse offense, the Department
7 shall maintain the person's name and other identifying information, described in subsection (a)
8 of this section, for five years following the date of the most recent conviction, after which time
9 the Department shall remove the person's name and identifying information from the list;
10 provided, that the person is not convicted of another animal abuse offense during that five-year
11 period.

12 (e) The Department shall remove a person's name and identifying information from the
13 registry list if the sole offense for which the person is required to be subject to the mandates of
14 the registry is expunged.

15 **"§ 14-363.7. Exceptions.**

16 Nothing in this Article shall be construed to apply to any of the following activities:

- 17 (1) Lawful activities conducted for purposes of biomedical research or training or
18 for purposes of production of livestock, poultry, or aquatic species.
- 19 (2) Lawful activities conducted for the primary purpose of providing food for
20 human or animal consumption.
- 21 (3) Activities conducted for lawful veterinary purposes.
- 22 (4) The lawful destruction of any animal for the purposes of protecting the public,
23 other animals, property, or the public health.
- 24 (5) The physical alteration of livestock or poultry for the purpose of conforming
25 with breed or show standards.
- 26 (6) The lawful taking of animals under the jurisdiction and regulation of the
27 Wildlife Resources Commission."

28 **SECTION 3.** G.S. 14-363.2 reads as rewritten:

29 **"§ 14-363.2. Confiscation of cruelly treated animals. Violations of this Article.**

30 (a) Confiscation of Cruelly Treated Animals. – Conviction of any offense contained in
31 this Article may result in confiscation of cruelly treated animals belonging to the accused and it
32 shall be proper for the court in its discretion to order a final determination of the custody of the
33 confiscated animals.

34 (b) Repeat Violation. – A person who, after the person's first conviction, is convicted of
35 any violation of this Article forfeits ownership, charge, or custody of all animals and may not
36 own an animal for up to five years from the date of the conviction."

37 **SECTION 4.** Sections 1, 2, and 4 of this act are effective when it becomes law.
38 Section 3 of this act becomes effective December 1, 2019, and applies to offenses committed on
39 or after that date.