

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 540

Short Title: Fiona Mae Wagglebottom's Act.

(Public)

Sponsors: Representatives Dahle, Ward, Longest, and Harrison (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Appropriations, if favorable, Rules, Calendar, and Operations of the House

April 3, 2023

A BILL TO BE ENTITLED
AN ACT TO PROVIDE THAT CRUELTY TO ANIMALS INCLUDES THE FAILURE TO
PROVIDE ADEQUATE SHELTER.

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 shelter,~~ 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~~ sustenance or adequate shelter are guilty of a Class 1 ~~misdemeanor, 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 shelter. – Shelter that meets all of the conditions of this subdivision. Adequate shelter does not include the outdoor tethering of an animal during any period of extreme weather at the site where the animal is tethered.

a. The shelter is suitable for the species, age, condition, size, and type of each animal.

b. The shelter protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health.

c. The shelter is properly cleaned and enables each animal to remain clean and dry, except when detrimental to the species.



- 1 d. The shelter is properly shaded and does not readily conduct heat during
2 periods when the ambient air temperature at the shelter is greater than
3 85 degrees Fahrenheit.
- 4 e. The shelter provides a windbreak at its entrance and, during periods
5 when the ambient air temperature at the shelter is less than 32 degrees
6 Fahrenheit, bedding material consisting of straw, cedar shavings, or
7 the equivalent sufficient to protect the animal from cold and promote
8 the retention of body heat.
- 9 f. For dogs and cats, the shelter provides a solid surface, resting platform,
10 pad, floormat, or similar device that is large enough for the animal to
11 lie on in a normal manner and can be maintained in a sanitary manner.
- 12 g. The shelter's wire, grid, or slat floors (i) do not permit the animals' feet
13 to pass through the openings, (ii) do not sag under the animals' weight,
14 and (iii) protect the animals' feet and toes from injury.
- 15 (2) Animal. – Every living vertebrate in the classes Amphibia, Reptilia, Aves, and
16 Mammalia except human beings.
- 17 (3) Extreme weather. – Any of the following:
- 18 a. The effective period of a hurricane warning or tropical storm warning
19 issued for the area by the National Weather Service.
- 20 b. The effective period for a heat advisory issued by a local or State
21 authority.
- 22 c. Any period when the actual or effective outdoor temperature is above
23 85 degrees Fahrenheit or below 32 degrees Fahrenheit.
- 24 d. The effective period for a severe weather warning issued for the area
25 by the National Weather Service, including a winter storm, tornado, or
26 severe thunderstorm warning.
- 27 (4) 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 (5) Lawful hunt. – The pursuit or taking of game animals in compliance with
30 applicable laws and rules of the Wildlife Resources Commission.
- 31 (6) 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 (7) 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.** The sum of one hundred thousand dollars (\$100,000) for the
2 2023-2024 fiscal year is appropriated to the Department of Agriculture and Consumer Services
3 for a public awareness campaign by the Department's Animal Welfare Section regarding the
4 changes to animal cruelty laws made by this act.

5 **SECTION 3.** Section 2 of this act is effective July 1, 2023. The remainder of this act
6 becomes effective December 1, 2023, and applies to offenses committed on or after that date.