

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 327
Committee Substitute Favorable 4/5/23

Short Title: Clarify Animal Welfare Statutes.

(Public)

Sponsors:

Referred to:

March 13, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE DANGEROUS DOG LAWS TO PERMIT A CASE-BY-CASE
3 DETERMINATION AS TO WHETHER A DOG TRAINED FOR DOG FIGHTING IS
4 DANGEROUS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** G.S. 67-4.1 reads as rewritten:

7 **"§ 67-4.1. Definitions and procedures.**

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

10 (1) "Dangerous dog" means

11 a. A dog that:

- 12 1. Without provocation has killed or inflicted severe injury on a
13 person; or
- 14 2. Is determined by the person or Board designated by the county
15 or municipal authority responsible for animal control to be
16 potentially dangerous because the dog has engaged in one or
17 more of the behaviors listed in subdivision (2) of this
18 subsection.

19 b. Any dog owned or harbored primarily or in part for the purpose of dog
20 fighting, or any dog trained for dog ~~fighting~~fighting, that an animal
21 shelter receiving the dog determines to be unsuitable for adoption after
22 an assessment performed pursuant to G.S. 19A-32.1(b) or
23 G.S. 19A-70(d).

24"

25 **SECTION 1.(b)** G.S. 67-4.5 reads as rewritten:

26 **"§ 67-4.5. Local ordinances.**

27 Nothing in this Article shall be construed to prevent a city or county from adopting or
28 enforcing its own program for control of dangerous ~~dogs~~dogs consistent with this Article."

29 **SECTION 1.(c)** G.S. 19A-70(d) reads as rewritten:

30 "(d) If the court orders that funds be deposited, the amount of funds necessary for 30 days
31 shall be posted with the clerk of superior court. The defendant shall also deposit the same amount
32 with the clerk of superior court every 30 days thereafter until the litigation is resolved, unless the
33 defendant requests a hearing no less than five business days prior to the expiration of a 30-day
34 period. If the defendant fails to deposit the funds within five business days of the initial hearing,
35 or five business days of the expiration of a 30-day period, the animal is forfeited by operation of



1 law. If funds have been deposited in accordance with this section, the operator of the animal
2 shelter may draw from the funds the actual costs incurred in caring for the animal.

3 In the event of forfeiture, the animal shelter ~~may~~shall determine whether the animal is
4 suitable for adoption and whether adoption can be arranged for the animal. The animal may not
5 be adopted by the defendant or by any person residing in the defendant's household. If the adopted
6 animal is a dog used for fighting, the animal shelter shall notify any persons adopting the dog of
7 the liability provisions for owners of dangerous dogs under Article 1A of Chapter 67 of the
8 General Statutes. If no adoption can be arranged after the forfeiture, or the animal is unsuitable
9 for adoption, the shelter shall humanely euthanize the animal."

10 **SECTION 2.** This act becomes effective October 1, 2023.