

NORTH CAROLINA GENERAL ASSEMBLY  
1969 SESSION

CHAPTER 831  
HOUSE BILL 1106

1 AN ACT TO PROVIDE A CIVIL REMEDY FOR THE PROTECTION AND HUMANE  
2 TREATMENT OF ANIMALS TO SUPPLEMENT EXISTING CRIMINAL REMEDIES  
3 IN G.S. 14-360.  
4

5 The General Assembly of North Carolina do enact:  
6

7 **Section 1.** There is hereby added to the General Statutes the following new chapter  
8 to be designated Chapter 19A:

9 **"Chapter 19A — Protection of Animals**

10 **Section 19A-1 Definitions.** For the purposes of this Chapter the following definition of terms  
11 shall be applicable:

- 12 (1) The term 'cruelty' shall be held to include every act, omission or neglect  
13 whereby unjustifiable physical pain, suffering or death is caused or  
14 permitted; but such term shall not be construed to prohibit lawful taking or  
15 attempting to take game animals or birds as allowed by law, provided further  
16 that such term shall not include activities sponsored by agencies or  
17 institutions conducting bio-medical research or training or for sport as  
18 provided by the laws of North Carolina.  
19 (2) The terms 'animals' and 'dumb animals' shall be held to include every useful  
20 living creature.  
21 (3) The term 'person' as used herein shall be held to include any persons, firm or  
22 corporation, including any non-profit corporation, such as a society for the  
23 prevention of cruelty to animals.

24 **Section 19A-2 Purpose.** It shall be the purpose of this Act to provide a civil remedy for the  
25 protection and humane treatment of animals in addition to any criminal remedies that are  
26 available and it shall be proper in any action to combine causes of action against one or more  
27 defendants for the protection of one or more animals. A real party in interest as plaintiff shall  
28 be held to include any 'person' as hereinbefore defined even though such person does not have a  
29 possessory or ownership right in an animal; a real party in interest as defendant shall include  
30 any person who owns or has possession of an animal.

31 **Section 19A-3 Preliminary Injunction or Restraining Order.** Upon the filing of a verified  
32 complaint in Superior Court in the county in which cruelty to an animal has allegedly occurred,  
33 and upon petition for a preliminary injunction or temporary restraining order, the resident judge  
34 or any judge holding a regular or special term of Court may in the court's discretion issue such  
35 preliminary injunction or temporary restraining order, the duration of which shall be twenty  
36 (20) days. Such injunction or restraining order may in the discretion of the court issue without  
37 prior notice to any person named as a defendant in the verified complaint, if service of process  
38 cannot be obtained, and such injunction may issue immediately and as soon as practicable be  
39 served upon every person named as a defendant. Every such preliminary injunction or  
40 restraining order, if the petition or complaint so requests, may in the discretion of the Court  
41 give plaintiff the right to temporarily correct the condition giving rise to the cruel treatment of  
42 an animal; and if it shall appear upon the face of the complaint or verified petition, that the  
43 condition giving rise to the cruel treatment of an animal requires that plaintiff take custody of

1 an animal. then it shall be proper for the Court in its discretion in the order to allow plaintiff to  
2 take possession of the animal.

3 **Section 19A-4 Permanent Injunction.** On the date specified in a preliminary injunction or  
4 temporary restraining order, which date shall not be later than twenty (20) days from the  
5 issuance thereof, a resident Superior Court judge or a Superior Court judge holding a regular or  
6 special term of Superior Court in the county in which the action is brought shall determine the  
7 merits of the action by trial without jury, and upon hearing such evidence as may be presented,  
8 shall enter orders as he deems appropriate, including the issuance of a permanent injunction or  
9 final determination of the custody of the animal where appropriate."

10 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

11 **Sec. 3.** This Act shall become effective upon ratification.

12 In the General Assembly read three times and ratified, this the 12th day of June,

13 1969.