

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-184
SENATE BILL 1058**

**AN ACT TO EXPAND THE SCOPE OF THE CRIMINAL OFFENSE OF ASSAULT
ON AN ASSISTANCE ANIMAL AND TO REQUIRE RESTITUTION.**

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-163.1 reads as rewritten:

"§ 14-163.1. Assaulting a law enforcement agency animal or an assistance animal.

(a) The following definitions apply in this section:

- (1) Assistance animal. – An animal that is trained and may be used to assist a ~~"handicapped person"~~ "person with a disability" as defined in ~~G.S. 168-1.~~ G.S. 168A-3. The term "assistance animal" is not limited to a dog and includes any animal trained to assist a ~~handicapped person~~ with a disability as provided in Article 1 of Chapter 168 of the General Statutes.
- (2) Law enforcement agency animal. – An animal that is trained and may be used to assist a law enforcement officer in the performance of the officer's official duties.
- (3) ~~Physical harm.~~ Harm. – Any injury, illness, or other physiological ~~impairment.~~ impairment; or any behavioral impairment that impedes or interferes with duties performed by a law enforcement agency animal or an assistance animal.
- (4) Serious ~~physical harm.~~ Harm. —~~Physical harm~~ Harm that does any of the following:
 - a. Creates a substantial risk of death.
 - b. Causes maiming or causes substantial loss or impairment of bodily function.
 - c. Causes acute pain of a duration that results in substantial suffering.
 - d. Requires retraining of the law enforcement agency animal or assistance animal.
 - e. Requires retirement of the law enforcement agency animal or assistance animal from performing duties.

(b) Any person who knows or has reason to know that an animal is a law enforcement agency animal or an assistance animal and who willfully causes or attempts to cause serious ~~physical harm~~ to the animal is guilty of a Class I felony.

(c) Unless the conduct is covered under some other provision of law providing greater punishment, any person who knows or has reason to know that an animal is a law enforcement agency animal or an assistance animal and who willfully causes or attempts to cause ~~physical harm~~ to the animal is guilty of a Class 1 misdemeanor.

(d) Unless the conduct is covered under some other provision of law providing greater punishment, any person who knows or has reason to know that an animal is a law enforcement agency animal or an assistance animal and who willfully taunts, teases, harasses, delays, obstructs, or attempts to delay or obstruct the animal in the performance of its duty as a law enforcement agency animal or assistance animal is guilty of a Class 2 misdemeanor.

(d1) A defendant convicted of a violation of this section shall be ordered to make restitution to the person with a disability, or to a person, group, or law enforcement agency who owns or is responsible for the care of the law enforcement agency animal for any of the following as appropriate:

- (1) Veterinary, medical care, and boarding expenses for the assistance animal or law enforcement animal.
- (2) Medical expenses for the person with the disability relating to the harm inflicted upon the assistance animal.
- (3) Replacement and training or retraining expenses for the assistance animal or law enforcement animal.
- (4) Expenses incurred to provide temporary mobility services to the person with a disability.
- (5) Wages or income lost while the person with a disability is with the assistance animal receiving training or retraining.
- (6) The salary of the law enforcement agency animal handler as a result of the lost services to the agency during the time the handler is with the law enforcement agency animal receiving training or retraining.
- (7) Any other expense reasonably incurred as a result of the offense.

(e) This section shall not apply to a licensed veterinarian whose conduct is in accordance with Article 11 of Chapter 90 of the General Statutes.

(f) Self-defense is an affirmative defense to a violation of this section.

(g) Nothing in this section shall affect any civil remedies available for violation of this section."

SECTION 2. This act becomes effective December 1, 2005, and applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 5th day of July, 2005.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 8:33 p.m. this 12th day of July, 2005