

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH30138-LL-68A (2/5)

Short Title: Restraining of Dogs.

(Public)

Sponsors: Representative Yongue.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CRIMINAL LAW CONCERNING RESTRAINING OF DOGS.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 14-362.3 reads as rewritten:

5 "§ 14-362.3. Restraining dogs in a cruel manner.

6 (a) A person who ~~maliciously~~ knowingly restrains a dog using a chain or wire grossly
7 in excess of the size or weight necessary to restrain the dog safely or other type of tethering
8 device in violation of this section is guilty of a Class 1 misdemeanor. ~~For purposes of this~~
9 ~~section, "maliciously" means the person imposed the restraint intentionally and with malice or~~
10 ~~bad motive.~~

11 (b) No person shall tether, fasten, chain, tie, or restrain a dog, or cause such restraining
12 of a dog, to a tree, fence, post, dog house, or other stationary object for more than nine hours in
13 a 24-hour period. During periods of tethering that are not unlawful under this subsection, any
14 tethering device used shall be at least 15 feet in length and attached in such manner as to
15 prevent strangulation or other injury to the dog and entanglement with objects other than the
16 stationary objects to which the device is attached.

17 (c) No person shall attach a chain or wire or other tethering device to, or cause such
18 attachment to, a choke-type or pronged collar on a dog.

19 (d) No person shall attach a chain or wire or other tethering device to a dog in such
20 manner that does not allow the dog access to water and adequate shelter.

21 (e) Notwithstanding the provisions of subsection (b) of this section, a person may,
22 subject to the provisions of subsections (c) and (d) of this section:

23 (1) Tether and restrain a dog while actively engaged in:

24 a. Use of the dog in shepherding or herding livestock, or

25 b. Use of the dog in the business of cultivating agricultural products, if
26 the restraining is reasonably necessary for the safety of the dog, or

27 c. Use of the dog in lawful hunting activities if the restraint is
28 reasonably necessary for the safety of the dog.

29 (2) After taking possession of a dog that appears to be a stray dog and after
30 having advised animal control authorities of the capture of the dog, tether
31 and restrain the dog during such time as the person having taken possession
32 of the dog is seeking the identity of the owner of the dog.

33 (3) Walk a dog with a handheld leash.

34 (f) Restraining a dog in a manner prohibited by this section constitutes cruelty as
35 defined in G.S. 19A-1(2).



1 (g) A county, city, or town may by ordinance reduce the time of permissible tethering
2 provided in subsection (b) of this section, including a prohibition on tethering."

3 **SECTION 2.** This act becomes effective December 1, 2009, and applies to acts
4 committed on or after that date.