

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

H.B. 540  
Mar 30, 2023  
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40284-MHa-32

Short Title: Fiona Mae Wagglebottom's Act.

(Public)

Sponsors: Representative Dahle.

Referred to:

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

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 14-360 reads as rewritten:

6 "§ 14-360. Cruelty to animals; construction of section.

7 (a) ~~If any person shall~~ Persons who (i) intentionally overdrive, overload, wound, injure,  
8 torment, ~~kill, or kill an animal, or deprive any animal of necessary sustenance, or adequate~~  
9 shelter, or (ii) cause or procure any animal to be overdriven, overloaded, wounded, injured,  
10 ~~tormented, killed, or deprived of necessary sustenance, any animal, every such offender shall for~~  
11 ~~every such offense be~~ sustenance or adequate shelter are guilty of a Class 1  
12 ~~misdemeanor.~~ misdemeanor, with each act constituting a separate offense.

13 (a1) ~~If any person shall~~ Persons who maliciously kill, or cause or procure to be killed, any  
14 animal by intentional deprivation of necessary ~~sustenance, that person shall be~~ sustenance are  
15 guilty of a Class H felony.

16 (b) ~~If any person shall~~ Persons who maliciously torture, mutilate, maim, cruelly beat,  
17 disfigure, poison, or kill, or cause or procure to be tortured, mutilated, maimed, cruelly beaten,  
18 disfigured, poisoned, or killed, any animal, ~~every such offender shall for every such offense be~~  
19 animal are guilty of a Class H felony. ~~felony, with each act constituting a separate offense.~~  
20 However, nothing in this section shall be construed to increase the penalty for cockfighting  
21 provided for in G.S. 14-362.

22 (c) ~~As used~~ The following definitions apply in this section, the words "torture", "torment",  
23 and "cruelly" include or refer to any act, omission, or neglect causing or permitting unjustifiable  
24 pain, suffering, or death. As used in this section, the word "intentionally" refers to an section:

25 (1) Adequate shelter. – Shelter that meets all of the conditions of this subdivision.  
26 Adequate shelter does not include the outdoor tethering of an animal during  
27 any period of extreme weather at the site where the animal is tethered.

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

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

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



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- 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.