

Sixtieth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1208

Introduced by

Representatives DeKrey, S. Meyer

1 A BILL for an Act to amend and reenact sections 36-21.1-01 and 36-21.1-11 of the North
2 Dakota Century Code, relating to the penalty for the inhumane treatment of animals.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 36-21.1-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **36-21.1-01. Definitions.** In this chapter, unless the context otherwise requires:

- 7 1. "Abandoned animal" means an animal that is or reasonably appears to have been
8 deserted by its owner or keeper. The term may include an animal that is running
9 loose on property other than that of its owner or the owner's agent if the animal
10 bears no identification indicating the owner or the owner's agent and the owner or
11 owner's agent is not known to the sheriff, police officer, licensed veterinarian, or
12 investigator taking custody of the animal under this chapter.
- 13 2. "Animal" includes every living animal except the human race.
- 14 3. "Commissioner" means the agriculture commissioner.
- 15 4. "Cruelty" or "torture" ~~includes every~~ means any act, omission, or neglect whereby
16 unnecessary or unjustifiable pain, suffering, or death is caused or permitted. The
17 term does not include:
- 18 a. Any activity that requires a license or permit under chapter 20.1-03;
19 b. Any activity that is a usual and customary practice in production agriculture;
20 c. Any show, fair, competition, performance, or parade;
21 d. A rodeo;
22 e. A wagon or buggy ride;
23 f. Trail or pleasure riding; or
24 g. Any activity that involves the training or teaching of animals.

5. "Investigator" means any person approved by the board to determine whether there has been a violation of this chapter.

SECTION 2. AMENDMENT. Section 36-21.1-11 of the North Dakota Century Code is amended and reenacted as follows:

36-21.1-11. Penalty. ~~Any~~ A person that knowingly and willfully ~~violating~~ violates any rule adopted by the board or ~~violating~~ that violates any provision of this chapter for which a specific penalty is not provided is guilty of a:

1. A class A misdemeanor for a first offense, except that if the first offense involves gross or continual cruelty or torture, the person is guilty of a class C felony; and
2. A class C felony for a subsequent offense.