

PETITION TITLE

This initiated measure would create new section 36-21.1-02.1 to the North Dakota Century Code making it a class C felony for an individual to maliciously and intentionally harm a living dog, cat or horse and providing a court with certain sentencing options. The measure would not apply to production agriculture, or to lawful activities of hunters and trappers, licensed veterinarians, scientific researchers, or to individuals engaged in lawful defense of life or property.

FULL TEXT OF THE MEASURE

IF MATERIAL IS UNDERSCORED, IT IS NEW MATERIAL WHICH IS BEING ADDED. IF MATERIAL IS OVERSTRUCK BY DASHES, THE MATERIAL IS BEING DELETED. IF MATERIAL IS NOT UNDERSCORED OR OVERSTRUCK, THE MATERIAL IS EXISTING LAW THAT IS NOT BEING CHANGED.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

SECTION 1. Section 36-21.1-02.1 of the North Dakota Century Code is created and enacted as follows:

36-21.1-02.1 Aggravated animal cruelty—Prevention of Extreme Cruelty to Dogs, Cats, and Horses Act

1. Any individual who maliciously and intentionally burns, poisons, crushes, suffocates, impales, drowns, blinds, skins, beats to death, drags to death, exsanguinates, disembowels, or dismembers any living dog, cat, or horse is guilty of a class C felony.
2. The prohibition in subsection 1 of this section does not apply to:
 - a. Hunting, trapping, fishing, or any other activity that requires a license or permit under chapter 20.1-03;
 - b. The marking of an animal for identification, and any other activity that is a usual and customary practice in production agriculture;
 - c. Examination, testing, individual treatment, operation, or euthanasia performed by or under the supervision of a licensed veterinarian;
 - d. Lawful medical or scientific research conducted at a public or private facility or laboratory by or under the direction of a qualified researcher;
 - e. Any lawful activity undertaken to protect a person's life or property from a serious threat caused by a dog, cat, or horse; and
 - f. Any other lawful activity exempt from the definition of "cruelty" or "torture" contained in section 36-21.1-01.
3. In addition to any imprisonment or fine, or both, ordered pursuant to chapter 12.1-32, any individual who violates subsection 1 of this section also may, at the discretion of the court, be:
 - a. Ordered to undergo mandatory psychological or psychiatric evaluation and obtain psychological counseling, including counseling in responsible pet ownership or animal cruelty prevention, for which the person shall bear any costs incurred; and
 - b. Ordered not to own or possess a dog, cat, or horse for up to five years after the date of the sentencing.

INSTRUCTIONS TO PETITION SIGNERS

You are being asked to sign a petition. You must be a qualified elector. This means you are eighteen years old, you have lived in North Dakota thirty days, and you are a United States citizen. All signers must add their complete residential address or rural route or general delivery address and the date of signing. Every qualified elector signing a petition must do so in the presence of the individual circulating the petition.