

Re: 3/21/07 SB11 NC State Senate Bill No. 1172

Dear:

I am writing about an issue that has gone unaddressed for too long—that of the perpetually chained or penned, so-called "outside" or "backyard" dog. There is no sadder sight than these outcast, forlorn, forgotten animals, relegated to the status of lawn ornaments and virtually ignored by the family. Many chained or penned dogs are seriously neglected. They lack fresh, unfrozen water, adequate housing, hygiene and the most basic veterinary care, including vaccinations required by law. Every winter such dogs are found frozen to death. At other times of the year they may be left to starve until they die. Chaining is not only inhumane for dogs, but has taken a severe toll on this nation's children. In the period from last October until last month, there have been at least 17 children killed or seriously injured by chained dogs across the country. Chained dogs, unsocialized with humans, can become very territorial of their tiny space and any two year old who wanders into this space can be attacked and killed before adults can intervene. A recent attack in July of 2004 lead to the death of 2 year old Patricia J. Anderson in Cook County, Georgia. Patricia was attacked and killed by a bulldog mix chained behind the house of a family friend. Furthermore, researchers are confirming the link between animal abuse and neglect and abuse and neglect of children and perpetration of future crimes. I urge you to remedy this oversight which condemns dogs, the most loving and loyal of animals, to lives of loneliness and deprivation by supporting SB11 Senate Bill No. 1172.

CA, WV, CN, VA, MD and TX all have laws prohibiting or limiting dog tethering. Several other states including South Carolina have introduced legislation. Over 50 other communities have laws that address chaining dogs. Enclosed please find more information on the cruelties and dangers of dog chaining.

Sincerely,

Enclosure:

*SB11 Senate Bill No. 1172*

**A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIMINAL LAW CONCERNING RESTRAINING OF DOGS.** The General Assembly of North Carolina enacts: SECTION 1. G.S. 14-362.3 reads as rewritten: 14-362.3. Restraining dogs in a cruel manner.

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

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

(c) No person shall tether, fasten, chain, tie, or restrain a dog, or cause such restraining of a dog, to a cable trolley system, that allows movement of the restraining device, for more than six hours in a 24-hour period. During periods of tethering that are not unlawful under this subsection, the length of the cable along which the tethering device can move must be at least 10 feet, and the tethering device must be of such length that the dog is able to move 10 feet away from the cable perpendicularly.

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

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

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

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

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

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

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

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

(3) Walk a dog with a handheld leash.

(g) A county, city, or town may by ordinance:

(1) Reduce the time of permissible tethering provided in subsections (b) and (c) of this section, including a prohibition on tethering.

(2) Increase the permitted time for tethering on a rope or chain provided in subsection (b) from three to as many as nine hours.

(3) Increase the permitted time for tethering on a pulley system provided in subsection (c) from six to as many as twelve hours in any 24-hour period.

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

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