

ANIMAL PROTECTION LAWS OF NORTH DAKOTA

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This chapter contains North Dakota's general animal protection and related statutes with an effective date on or before September 1, 2017. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories. Within the first thirteen of these categories, the relevant part of each statute is italicized. Category 14 provides a non-italicized version of each of the previously referenced statutes, in numerical order. The penalties and related provisions for categories 12 and 13 are generally located within each of those respective sections.

North Dakota may employ similar provisions within other non-animal-specific criminal and civil statutes; may have other more specific statutes in addition to those included; and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.

NORTH DAKOTA

1. <u>GENERAL PROHIBITIONS</u> *	<p>(1) Animal neglect N.D. CENT. CODE § 36-21.2-01</p> <p>(2) Animal abuse N.D. CENT. CODE § 36-21.2-02</p> <p>(3) Animal cruelty N.D. CENT. CODE § 36-21.2-03</p> <p>(4) Animal abandonment N.D. CENT. CODE § 36-21.2-04</p> <p>(5) Caged animals N.D. CENT. CODE § 36-21.2-11</p>
<i>Animals Covered in Definition</i>	----
<i>Classification of Crimes</i>	<p>(1), (4), (5) Class A misdemeanor</p> <p>(2) [First or second offense] Class A misdemeanor</p> <p>[Third or subsequent offense] Class C felony</p> <p>(3) Class C felony</p>

NORTH DAKOTA *continued*

<p>2. <u>MAXIMUM PENALTIES</u> **</p>	<p>(1), (4), (5) 1 year imprisonment <i>and/or</i> \$3,000 fine N.D. CENT. CODE § 12.1-32-01(5)</p> <p>(2) [First or second offense] 1 year imprisonment <i>and/or</i> \$3,000 fine N.D. CENT. CODE § 12.1-32-01(5)</p> <p>[Third or subsequent offense] 5 years imprisonment <i>and/or</i> \$10,000 fine N.D. CENT. CODE § 12.1-32-01(4)</p> <p>(3) 5 years imprisonment <i>and/or</i> \$10,000 fine N.D. CENT. CODE § 12.1-32-01(4)</p> <p>EDITOR'S NOTE: Where a violation of Chapter 36-21.1 involves multiple animals, the violation is considered a single offense. N.D. CENT. CODE § 36-21.2-15</p>
<p>3. <u>EXEMPTIONS</u> ***</p>	<p>1, 2, 3, 4, 5, 6, 7, 8, 9 N.D. CENT. CODE §§ 36-21.2-01(4), 36-21.2-02(3), 36-21.2-03(3), 36-21.2-04(3), 36-21.2-11(3),(4)</p> <p>9 N.D. CENT. CODE § 36-21.2-14</p>

NORTH DAKOTA *continued*

4. <u>COUNSELING / EVALUATIONS</u> ^H	-----
5. <u>PROTECTIVE ORDERS</u> ^H	-----
6. <u>RESTITUTION / REIMBURSEMENT OF COSTS / BONDING & LIENS</u> ^H	<p>If convicted, the owner of the seized animal is responsible for all costs of care relating to the seizure. N.D. CENT. CODE § 36-21.2-07(1)</p> <p>The seizing agency has a lien for all costs incurred; proceeds from sale of the seized animal must first be applied to the lien. N.D. CENT. CODE § 36-21.2-07(2),(3)</p> <p>Law enforcement officer shall return abandoned animal if owner pays for all costs associated with the animal's care while in the seizing officer's custody. N.D. CENT. CODE § 36-21.2-08(3)</p>
7. <u>SEIZURE / ON-SITE SUPERVISION</u>	<p>A law enforcement officer may petition the court for an order to seize any animal believed to have been neglected, abused, treated cruelly treated. N.D. CENT. CODE § 36-21.2-05</p> <p>A law enforcement officer who seizes an animal shall provide care for that animal and notice of the seizure. N.D. CENT. CODE § 36-21.2-06(1)</p> <p>A law enforcement officer may take custody of an abandoned animal, and must provide care for the animal and notice of the animal's custody. N.D. CENT. CODE § 36-21.2-08(1),(2)</p> <p>A law enforcement officer may remove an animal left unattended in a motor vehicle. N.D. CENT. CODE § 36-21.2-12(3)</p>

NORTH DAKOTA *continued*

<p>8. <u>FORFEITURE / POSSESSION</u> ^H</p>	<p>The court may direct that a veterinarian humanely destroy an animal experiencing excruciating pain or suffering that is not likely to be alleviated using reasonable medical interventions. N.D. CENT. CODE § 36-21.2-05(3)</p> <p>If the seized animal is not claimed within five days, the law enforcement officer shall sell or destroy the animal, or place the animal for adoption; the court can order the animal's disposition in a ruling on a petition. N.D. CENT. CODE § 36-21.2-06(1)(b), (2)</p> <p>An abandoned animal may be humanely destroyed if the animal's condition justifies such destruction. N.D. CENT. CODE § 36-21.2-08(7)</p>
<p>9. <u>CROSS ENFORCEMENT / REPORTING</u></p>	<p>-----</p>
<p>10. <u>VETERINARIAN REPORTING / IMMUNITY</u></p>	<p>The state board of animal health shall maintain a list of veterinarians trained to assist in animal criminal investigations. N.D. CENT. CODE § 36-01-35</p> <p>A licensed veterinarian who reasonably believes an animal has been cruelly treated shall notify law enforcement and may retain custody of the animal. N.D. CENT. CODE § 36-21.2-10</p> <p>A veterinarian is immune from civil or criminal liability for rendering emergency treatment to an animal. N.D. CENT. CODE § 36-21.2-13</p>
<p>11. <u>LAW ENFORCEMENT POLICIES</u></p>	<p>-----</p>

NORTH DAKOTA *continued*

12. <u>SEXUAL ASSAULT</u>	<p>Definitions N.D. CENT. CODE § 12.1-20-02(2)</p> <p>The sexual assault of an animal is a Class A misdemeanor. N.D. CENT. CODE § 12.1-20-12</p>
13. <u>FIGHTING</u>	<p>Various animal fighting activities are Class C felonies; being a spectator at an animal fight is a Class A misdemeanor. N.D. CENT. CODE § 36-21.1-07</p>
<i>Other Felony Provisions Affecting Animals</i>^I	<p>Killing or seriously injuring a law enforcement animal is a Class C felony. N.D. CENT. CODE § 12.1-17-09</p> <p>Killing or seriously injuring a service animal is a Class C felony. N.D. CENT. CODE § 25-13-06</p>

* States may have other more specific statutes in addition to the general animal protection statutes referenced in this table.

** Despite statutory maximums, states often employ sentencing guidelines that may significantly alter the allowable sentence.

*** Exemptions: 1-veterinary practice, 2-research animals, 3-wildlife, 4-traditional farm animal husbandry practices, 5-slaughter, 6-pest control, 7-rodeo, 8-zoos/circuses, 9-other.

H This table generally references only those provisions that are within each state's animal protection statutes. States may employ similar provisions within other non-animal-specific criminal and civil statutes, and may also have a variety of animal-related regulations in effect.

I This list is not exhaustive; states may authorize felony penalties for other crimes involving animals not included in this table.

1. GENERAL PROHIBITIONS

N.D. CENT. CODE § 36-21.2-01 (2017). Neglect -- Definition -- Exemptions -- Penalty.

1. Any person that willfully engages in animal neglect is guilty of a class A misdemeanor.

2. For purposes of this chapter, “neglect” with respect to dogs and cats, means the failure to provide an animal with:

a. Food and water, as appropriate for the species, the breed, and the animal’s age and physical condition;

b. Shelter from the elements, as appropriate for the species, the breed, and the animal’s age and physical condition;

c. Necessary medical attention; and

d. An environment that is:

(1) Ventilated in a manner appropriate for the species, the breed, and the animal’s age and physical condition;

(2) Cleaned in a manner appropriate for the species, the breed, and the animal’s age and physical condition; and

(3) Free of conditions likely to cause injury or death to an animal of that species, breed, age, and physical condition.

3. For purposes of this chapter, “neglect” with respect to all animals other than those included in subsection 2, means the failure to provide:

a. Food and water that is:

(1) Appropriate for the species and the breed; and

(2) Sufficient to sustain the animal’s health;

b. Minimal protection from adverse weather conditions, as appropriate for the species and the breed; and

c. Medical attention in the event of an injury or illness, as appropriate for the species and the breed.

4. The following do not constitute violations of this section:

a. Any usual and customary practice in:

- (1) The production of food, feed, fiber, or ornament, including all aspects of the livestock industry;
- (2) The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;
- (3) The sport of rodeo;
- (4) Animal racing;
- (5) The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C. 2131, et seq.;
- (6) Fishing, hunting, and trapping;
- (7) Wildlife management;
- (8) The culinary arts;
- (9) Lawful research and educational activities; and
- (10) Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;

b. The humane or swift destruction of an animal for cause; and

c. Services provided by or under the direction of a licensed veterinarian.

N.D. CENT. CODE § 36-21.2-02 (2017). Animal abuse -- Definition -- Exemptions -- Penalty.

1. Any person that willfully engages in animal abuse is guilty of a class A misdemeanor for a first or a second offense and a class C felony for a third or subsequent offense occurring within ten years.

2. For purposes of this chapter, “animal abuse” means any act or omission that results in physical injury to an animal or that causes the death of an animal, but does not include any act that falls within the definition of animal cruelty, as set forth in section 36-21.2-03.

3. The following do not constitute violations of this section:

a. Any usual and customary practice in:

(1) The production of food, feed, fiber, or ornament, including all aspects of the livestock industry;

(2) The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;

(3) The sport of rodeo;

(4) Animal racing;

(5) The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C. 2131, et seq.;

(6) Fishing, hunting, and trapping;

(7) Wildlife management;

(8) The culinary arts;

(9) Lawful research and educational activities; and

(10) Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;

b. Any action taken by an individual against an animal that is attacking or is about to attack a human, a companion animal, or livestock;

c. The humane or swift destruction of an animal for cause; and

d. Services provided by or under the direction of a licensed veterinarian.

N.D. CENT. CODE § 36-21.2-03 (2017). Animal cruelty -- Definition -- Exemptions -- Penalty.

1. *Any person that intentionally engages in animal cruelty is guilty of a class C felony.*

2. *For purposes of this chapter, “animal cruelty” means:*

a. Breaking an animal’s bones;

b. Causing the prolonged impairment of an animal’s health;

c. Mutilating an animal; or

d. Physically torturing an animal.

3. The following do not constitute violations of this section:

a. Any usual and customary practice in:

(1) The production of food, feed, fiber, or ornament, including all aspects of the livestock industry;

(2) The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;

(3) The sport of rodeo;

(4) Animal racing;

(5) The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C. 2131, et seq.;

(6) Fishing, hunting, and trapping;

(7) Wildlife management;

(8) The culinary arts;

(9) Lawful research and educational activities; and

(10) Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;

b. Any action taken by an individual against an animal that is attacking or is about to attack a human, a companion animal, or livestock;

c. The humane or swift destruction of an animal for cause; and

d. Services provided by or under the direction of a licensed veterinarian.

N.D. CENT. CODE § 36-21.2-04 (2017). Animal abandonment -- Definition -- Exemptions -- Penalty.

1. Any person that willfully engages in the abandonment of an animal is guilty of a class A misdemeanor.

2. For purposes of this chapter, “abandonment” means the relinquishment of a person’s custody or control, with no intention of reclaiming that custody or control, and without placing the animal into the custody or control of another person that is able to provide care for the animal and who knowingly and willingly accepts that responsibility. The term includes:

a. The desertion of an animal; and

b. The failure to retrieve an animal within forty-eight hours after the agreed-upon conclusion of a boarding contract or other service contract, other than that specified in section 43-29-16.1.

3. The following do not constitute violations of this section:

a. Any usual and customary practice in:

(1) The production of food, feed, fiber, or ornament, including all aspects of the livestock industry;

(2) The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;

(3) The sport of rodeo;

(4) Animal racing;

(5) The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C. 2131, et seq.;

(6) Fishing, hunting, and trapping;

(7) Wildlife management;

(8) The culinary arts;

(9) Lawful research and educational activities; and

(10) Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;

- b. The humane or swift destruction of an animal for cause; and
 - c. Services provided by or under the direction of a licensed veterinarian.
4. For purposes of this section, “care” means food, water, and shelter from the elements, as appropriate for the species, the breed, and the animal’s age and physical condition, and necessary medical attention.

N.D. CENT. CODE § 36-21.2-11 (2017). Caged animals -- Public display -- Exemptions -- Penalty.

1. In addition to any other requirements set forth in this chapter, a person placing a caged animal on public display shall ensure that:

- a. The size of the cage allows the animal to stand up, lie down, and turn or move about; and*
- b. The cage provides the animal with protection from the elements, as appropriate for the species, the breed, and the animal’s age and physical condition.*

2. Any person that willfully fails to meet the requirements of this section is guilty of a class A misdemeanor.

3. This section does not apply to:

- a. The North Dakota state fair association;
- b. Agricultural fair associations; or
- c. Political subdivisions.

4. The following do not constitute violations of this section:

- a. Any usual and customary practice in:
 - (1) The production of food, feed, fiber, or ornament, including all aspects of the livestock industry;
 - (2) The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;
 - (3) The sport of rodeo;
 - (4) Animal racing;

(5) The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C. 2131, et seq.;

(6) Fishing, hunting, and trapping;

(7) Wildlife management;

(8) The culinary arts;

(9) Lawful research and educational activities; and

(10) Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;

b. Any action taken by an individual against an animal that is attacking or is about to attack a human, a companion animal, or livestock;

c. The humane or swift destruction of an animal for cause; and

d. Services provided by or under the direction of a licensed veterinarian.

2. PENALTIES

N.D. CENT. CODE § 12.1-32-01 (2017). Classification of offenses—Penalties.

Offenses are divided into seven classes, which are denominated and subject to maximum penalties, as follows:

1. Class AA felony, for which a maximum penalty of life imprisonment without parole may be imposed. The court must designate whether the life imprisonment sentence imposed is with or without an opportunity for parole. Notwithstanding the provisions of section 12-59-05, a person found guilty of a class AA felony and who receives a sentence of life imprisonment with parole, shall not be eligible to have that person's sentence considered by the parole board for thirty years, less sentence reduction earned for good conduct, after that person's admission to the penitentiary.
2. Class A felony, for which a maximum penalty of twenty years' imprisonment, a fine of twenty thousand dollars, or both, may be imposed.
3. Class B felony, for which a maximum penalty of ten years' imprisonment, a fine of twenty thousand dollars, or both, may be imposed.
4. *Class C felony, for which a maximum penalty of five years' imprisonment, a fine of ten thousand dollars, or both, may be imposed.*
5. *Class A misdemeanor, for which a maximum penalty of one year's imprisonment, a fine of three thousand dollars, or both, may be imposed.*
6. Class B misdemeanor, for which a maximum penalty of thirty days' imprisonment, a fine of one thousand five hundred dollars, or both, may be imposed.
7. Infraction, for which a maximum fine of one thousand dollars may be imposed. Any person convicted of an infraction who has, within one year prior to commission of the infraction of which the person was convicted, been previously convicted of an offense classified as an infraction may be sentenced as though convicted of a class B misdemeanor. If the prosecution contends that the infraction is punishable as a class B misdemeanor, the complaint shall specify that the offense is a misdemeanor.

This section shall not be construed to forbid sentencing under section 12.1-32-09, relating to extended sentences.

3. EXEMPTIONS

N.D. CENT. CODE § 36-21.2-01 (2017). Neglect -- Definition -- Exemptions -- Penalty.

1. Any person that willfully engages in animal neglect is guilty of a class A misdemeanor.
2. For purposes of this chapter, “neglect” with respect to dogs and cats, means the failure to provide an animal with:
 - a. Food and water, as appropriate for the species, the breed, and the animal’s age and physical condition;
 - b. Shelter from the elements, as appropriate for the species, the breed, and the animal’s age and physical condition;
 - c. Necessary medical attention; and
 - d. An environment that is:
 - (1) Ventilated in a manner appropriate for the species, the breed, and the animal’s age and physical condition;
 - (2) Cleaned in a manner appropriate for the species, the breed, and the animal’s age and physical condition; and
 - (3) Free of conditions likely to cause injury or death to an animal of that species, breed, age, and physical condition.
3. For purposes of this chapter, “neglect” with respect to all animals other than those included in subsection 2, means the failure to provide:
 - a. Food and water that is:
 - (1) Appropriate for the species and the breed; and
 - (2) Sufficient to sustain the animal’s health;
 - b. Minimal protection from adverse weather conditions, as appropriate for the species and the breed; and
 - c. Medical attention in the event of an injury or illness, as appropriate for the species and the breed.

4. *The following do not constitute violations of this section:*

a. Any usual and customary practice in:

(1) The production of food, feed, fiber, or ornament, including all aspects of the livestock industry;

(2) The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;

(3) The sport of rodeo;

(4) Animal racing;

(5) The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C. 2131, et seq.;

(6) Fishing, hunting, and trapping;

(7) Wildlife management;

(8) The culinary arts;

(9) Lawful research and educational activities; and

(10) Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;

b. The humane or swift destruction of an animal for cause; and

c. Services provided by or under the direction of a licensed veterinarian.

N.D. CENT. CODE § 36-21.2-02 (2017). Animal abuse -- Definition -- Exemptions -- Penalty.

1. Any person that willfully engages in animal abuse is guilty of a class A misdemeanor for a first or a second offense and a class C felony for a third or subsequent offense occurring within ten years.

2. For purposes of this chapter, “animal abuse” means any act or omission that results in physical injury to an animal or that causes the death of an animal, but does not include any act that falls within the definition of animal cruelty, as set forth in section 36-21.2-03.

3. *The following do not constitute violations of this section:*

a. Any usual and customary practice in:

(1) The production of food, feed, fiber, or ornament, including all aspects of the livestock industry;

(2) The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;

(3) The sport of rodeo;

(4) Animal racing;

(5) The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C. 2131, et seq.;

(6) Fishing, hunting, and trapping;

(7) Wildlife management;

(8) The culinary arts;

(9) Lawful research and educational activities; and

(10) Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;

b. Any action taken by an individual against an animal that is attacking or is about to attack a human, a companion animal, or livestock;

c. The humane or swift destruction of an animal for cause; and

d. Services provided by or under the direction of a licensed veterinarian.

N.D. CENT. CODE § 36-21.2-03 (2017). Animal cruelty -- Definition -- Exemptions -- Penalty.

1. Any person that intentionally engages in animal cruelty is guilty of a class C felony.

2. For purposes of this chapter, “animal cruelty” means:

a. Breaking an animal’s bones;

b. Causing the prolonged impairment of an animal’s health;

c. Mutilating an animal; or

d. Physically torturing an animal.

3. *The following do not constitute violations of this section:*

a. Any usual and customary practice in:

(1) The production of food, feed, fiber, or ornament, including all aspects of the livestock industry;

(2) The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;

(3) The sport of rodeo;

(4) Animal racing;

(5) The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C. 2131, et seq.;

(6) Fishing, hunting, and trapping;

(7) Wildlife management;

(8) The culinary arts;

(9) Lawful research and educational activities; and

(10) Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;

b. Any action taken by an individual against an animal that is attacking or is about to attack a human, a companion animal, or livestock;

c. The humane or swift destruction of an animal for cause; and

d. Services provided by or under the direction of a licensed veterinarian.

N.D. CENT. CODE § 36-21.2-04 (2017). Animal abandonment -- Definition -- Exemptions -- Penalty.

1. Any person that willfully engages in the abandonment of an animal is guilty of a class A misdemeanor.

2. For purposes of this chapter, “abandonment” means the relinquishment of a person’s custody or control, with no intention of reclaiming that custody or control, and without placing the animal into the custody or control of another person that is able to provide care for the animal and who knowingly and willingly accepts that responsibility. The term includes:

a. The desertion of an animal; and

b. The failure to retrieve an animal within forty-eight hours after the agreed-upon conclusion of a boarding contract or other service contract, other than that specified in section 43-29-16.1.

3. *The following do not constitute violations of this section:*

a. Any usual and customary practice in:

(1) The production of food, feed, fiber, or ornament, including all aspects of the livestock industry;

(2) The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;

(3) The sport of rodeo;

(4) Animal racing;

(5) The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C. 2131, et seq.;

(6) Fishing, hunting, and trapping;

(7) Wildlife management;

(8) The culinary arts;

(9) Lawful research and educational activities; and

(10) Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;

b. The humane or swift destruction of an animal for cause; and

c. Services provided by or under the direction of a licensed veterinarian.

4. For purposes of this section, “care” means food, water, and shelter from the elements, as appropriate for the species, the breed, and the animal’s age and physical condition, and necessary medical attention.

N.D. CENT. CODE § 36-21.2-11 (2017). Caged animals -- Public display -- Exemptions -- Penalty.

1. In addition to any other requirements set forth in this chapter, a person placing a caged animal on public display shall ensure that:

a. The size of the cage allows the animal to stand up, lie down, and turn or move about; and

b. The cage provides the animal with protection from the elements, as appropriate for the species, the breed, and the animal’s age and physical condition.

2. Any person that willfully fails to meet the requirements of this section is guilty of a class A misdemeanor.

3. *This section does not apply to:*

a. The North Dakota state fair association;

b. Agricultural fair associations; or

c. Political subdivisions.

4. *The following do not constitute violations of this section:*

a. Any usual and customary practice in:

(1) The production of food, feed, fiber, or ornament, including all aspects of the livestock industry;

(2) The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;

(3) The sport of rodeo;

(4) Animal racing;

(5) The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C. 2131, et seq.;

(6) Fishing, hunting, and trapping;

(7) Wildlife management;

(8) The culinary arts;

(9) Lawful research and educational activities; and

(10) Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;

b. Any action taken by an individual against an animal that is attacking or is about to attack a human, a companion animal, or livestock;

c. The humane or swift destruction of an animal for cause; and

d. Services provided by or under the direction of a licensed veterinarian.

N.D. CENT. CODE § 36-21.2-14 (2017). Estrays.

This chapter does not apply to estrays.

4. COUNSELING / EVALUATIONS

5. PROTECTIVE ORDERS

6. RESTITUTION / REIMBURSEMENT OF COSTS / BONDING & LIENS

N.D. CENT. CODE § 36-21.2-07 (2017). Costs of seizure and care -- Responsibility of owner -- Lien.

1. If convicted of violating this chapter, the owner of an animal seized under section 36-21.2-05 is responsible for all costs related to the animal's seizure, including required notifications, attorney's fees, court costs, and any costs incurred in providing the animal with care or in providing for its destruction in accordance with section 36-21.2-06.

2.

a. The law enforcement agency that seized the animal has a lien upon the animal for all costs incurred as a result of the seizure and conviction. The lien is superior to any other claim or lien.

b. If the lien is not satisfied by the animal's owner, the law enforcement agency may apply to the court for an order enforcing the lien.

3. If a seized animal is sold, the proceeds must be used first to satisfy the lienholder to the extent of the lien and second to satisfy any other claims involving the animal. Any remaining proceeds must be returned to the owner, as directed by the court. If the owner is unknown, any proceeds otherwise payable to the owner must be deposited in the general fund of the county.

N.D. CENT. CODE § 36-21.2-08 (2017). Abandoned animal -- Law enforcement officer -- Duties.

1. A law enforcement officer may take custody of an animal if the officer has reasonable cause to believe that the animal has been abandoned in violation of this chapter.

2.

a. Upon taking custody of an animal in accordance with this section, the law enforcement officer shall:

(1) Provide care for the animal, either directly or through a contractual arrangement with another person; and

(2)

(a) Notify the owner, if known to the officer; or

(b) If the owner is not known to the officer, provide notice of the animal's custody, indicate that if the owner does not lay claim to the animal within five days, the animal will be sold, placed for adoption, or humanely destroyed, at the direction of the law enforcement officer, and include the officer's contact information.

b. For purposes of this subdivision, notice may be provided by:

(1) Publication in the official newspaper of the county if the newspaper is published daily or in a daily newspaper serving the county;

(2) Any electronic means; or

(3) Posting a description and a photograph at the local law enforcement center.

3. *If the owner is identified within the five-day period, the law enforcement officer shall return the animal to the owner only if:*

a. The owner demonstrates that the animal was not abandoned in violation of this chapter; and

b. *The owner pays for all costs associated with the animal's care while in custody, including any costs of notifications under this section.*

4. If the law enforcement officer refuses to return the animal to its owner, the owner may petition the court for an order directing its return. In ruling on a petition under this subsection, a court may direct that the animal be sold, placed for adoption, humanely destroyed, or returned to its owner with or without conditions.

5. If the owner does not lay claim to the animal within five days, the law enforcement officer shall sell the animal, place it for adoption, or humanely destroy it.

6. Any proceeds from the sale or adoption of an animal under this section must be deposited in the county general fund.

7. Notwithstanding the requirements of this section, if upon examining an animal taken into custody by a law enforcement officer in accordance with this section a licensed veterinarian determines that the animal's condition justifies its destruction, the veterinarian shall humanely destroy the animal. The law enforcement agency shall reimburse the veterinarian for the cost of the animal's destruction.

8. For purposes of this section, “care” means food, water, and shelter from the elements, as appropriate for the species, the breed, and the animal’s age and physical condition, and necessary medical attention.

7. SEIZURE / ON-SITE SUPERVISION

N.D. CENT. CODE § 36-21.2-05 (2017). Seizure of animal -- Court order.

- 1. A law enforcement officer, upon a recommendation from a licensed veterinarian approved by the board of animal health, may petition the court for an order directing the seizure of any animal believed to have been neglected, abused, treated cruelly, or subjected to any act or omission in violation of this chapter.*
- 2. The court, upon a recommendation from a licensed veterinarian approved by the board of animal health, may act without notice to the animal's owner or to the person having custody or control of the animal and may rely solely on testimony or an affidavit in considering the petition.*
- 3. In the order for seizure, the court may direct that a veterinarian humanely destroy an animal if the veterinarian, upon examining the animal, determines that the animal is experiencing excruciating pain or suffering and that the animal's pain or suffering is not likely to be alleviated using reasonable medical interventions.*

N.D. CENT. CODE § 36-21.2-06 (2017). Law enforcement -- Duty upon seizure -- Notification.

1. Upon seizing an animal as provided for in section 36-21.2-05, the law enforcement officer shall provide care for the animal, either directly or through a contractual arrangement with another person. For purposes of this subsection, "care" means food, water, and shelter from the elements, as appropriate for the species, the breed, and the animal's age and physical condition, and necessary medical attention.

a. If the owner and the person having custody or control at the time of the seizure are known to the officer, the officer shall:

(1) Provide notice of the seizure to the owner and the person having custody or control of the animal; and

(2) Petition the court for an order directing the animal's disposition.

b. If the animal's owner is not known to the law enforcement officer, the officer shall publish notice of the animal's seizure in the official newspaper of the county and indicate that if the owner does not claim the animal within five days, the animal will be sold, placed for adoption, or humanely destroyed, at the direction of the law enforcement officer.

(1) If the owner does not claim the animal within five days, as required by this subdivision, the law enforcement officer shall sell the animal, place the animal for

adoption, or provide for its humane destruction.

(2) If the owner is identified within the five-day period, the law enforcement officer shall petition the court for an order directing the animal's disposition.

2. In ruling on a petition for an animal's disposition under this section, a court may direct that the animal be sold, placed for adoption, humanely destroyed, or returned to its owner, with or without conditions.

N.D. CENT. CODE § 36-21.2-08 (2017). Abandoned animal -- Law enforcement officer -- Duties.

1. *A law enforcement officer may take custody of an animal if the officer has reasonable cause to believe that the animal has been abandoned in violation of this chapter.*

2.

a. Upon taking custody of an animal in accordance with this section, the law enforcement officer shall:

(1) Provide care for the animal, either directly or through a contractual arrangement with another person; and

(2)

(a) Notify the owner, if known to the officer; or

(b) If the owner is not known to the officer, provide notice of the animal's custody, indicate that if the owner does not lay claim to the animal within five days, the animal will be sold, placed for adoption, or humanely destroyed, at the direction of the law enforcement officer, and include the officer's contact information.

b. For purposes of this subdivision, notice may be provided by:

(1) Publication in the official newspaper of the county if the newspaper is published daily or in a daily newspaper serving the county;

(2) Any electronic means; or

(3) Posting a description and a photograph at the local law enforcement center.

3. If the owner is identified within the five-day period, the law enforcement officer shall return the animal to the owner only if:

- a. The owner demonstrates that the animal was not abandoned in violation of this chapter; and
 - b. The owner pays for all costs associated with the animal's care while in custody, including any costs of notifications under this section.
4. If the law enforcement officer refuses to return the animal to its owner, the owner may petition the court for an order directing its return. In ruling on a petition under this subsection, a court may direct that the animal be sold, placed for adoption, humanely destroyed, or returned to its owner with or without conditions.
 5. If the owner does not lay claim to the animal within five days, the law enforcement officer shall sell the animal, place it for adoption, or humanely destroy it.
 6. Any proceeds from the sale or adoption of an animal under this section must be deposited in the county general fund.
 7. Notwithstanding the requirements of this section, if upon examining an animal taken into custody by a law enforcement officer in accordance with this section a licensed veterinarian determines that the animal's condition justifies its destruction, the veterinarian shall humanely destroy the animal. The law enforcement agency shall reimburse the veterinarian for the cost of the animal's destruction.
 8. For purposes of this section, "care" means food, water, and shelter from the elements, as appropriate for the species, the breed, and the animal's age and physical condition, and necessary medical attention.

N.D. CENT. CODE § 36-21.2-12 (2017). Unattended animal in motor vehicle -- Penalty.

1. An individual may not leave an animal unattended in a motor vehicle without ensuring that the animal's health and safety is not endangered.
2. An individual who violates this section is guilty of an infraction.
3. *A law enforcement officer may use reasonable means to enter a motor vehicle and remove an animal left in violation of this section.*

8. FORFEITURE / POSSESSION

N.D. CENT. CODE § 36-21.2-05 (2017). Seizure of animal -- Court order.

1. A law enforcement officer, upon a recommendation from a licensed veterinarian approved by the board of animal health, may petition the court for an order directing the seizure of any animal believed to have been neglected, abused, treated cruelly, or subjected to any act or omission in violation of this chapter.

2. The court, upon a recommendation from a licensed veterinarian approved by the board of animal health, may act without notice to the animal's owner or to the person having custody or control of the animal and may rely solely on testimony or an affidavit in considering the petition.

3. In the order for seizure, the court may direct that a veterinarian humanely destroy an animal if the veterinarian, upon examining the animal, determines that the animal is experiencing excruciating pain or suffering and that the animal's pain or suffering is not likely to be alleviated using reasonable medical interventions.

N.D. CENT. CODE § 36-21.2-06 (2017). Law enforcement -- Duty upon seizure -- Notification.

1. Upon seizing an animal as provided for in section 36-21.2-05, the law enforcement officer shall provide care for the animal, either directly or through a contractual arrangement with another person. For purposes of this subsection, "care" means food, water, and shelter from the elements, as appropriate for the species, the breed, and the animal's age and physical condition, and necessary medical attention.

a. If the owner and the person having custody or control at the time of the seizure are known to the officer, the officer shall:

(1) Provide notice of the seizure to the owner and the person having custody or control of the animal; and

(2) Petition the court for an order directing the animal's disposition.

b. If the animal's owner is not known to the law enforcement officer, the officer shall publish notice of the animal's seizure in the official newspaper of the county and indicate that if the owner does not claim the animal within five days, the animal will be sold, placed for adoption, or humanely destroyed, at the direction of the law enforcement officer.

(1) If the owner does not claim the animal within five days, as required by this subdivision, the law enforcement officer shall sell the animal, place the animal for

adoption, or provide for its humane destruction.

(2) If the owner is identified within the five-day period, the law enforcement officer shall petition the court for an order directing the animal's disposition.

2. In ruling on a petition for an animal's disposition under this section, a court may direct that the animal be sold, placed for adoption, humanely destroyed, or returned to its owner, with or without conditions.

N.D. CENT. CODE § 36-21.2-08 (2017). Abandoned animal -- Law enforcement officer -- Duties.

1. A law enforcement officer may take custody of an animal if the officer has reasonable cause to believe that the animal has been abandoned in violation of this chapter.

2.

a. Upon taking custody of an animal in accordance with this section, the law enforcement officer shall:

(1) Provide care for the animal, either directly or through a contractual arrangement with another person; and

(2)

(a) Notify the owner, if known to the officer; or

(b) If the owner is not known to the officer, provide notice of the animal's custody, indicate that if the owner does not lay claim to the animal within five days, the animal will be sold, placed for adoption, or humanely destroyed, at the direction of the law enforcement officer, and include the officer's contact information.

b. For purposes of this subdivision, notice may be provided by:

(1) Publication in the official newspaper of the county if the newspaper is published daily or in a daily newspaper serving the county;

(2) Any electronic means; or

(3) Posting a description and a photograph at the local law enforcement center.

3. If the owner is identified within the five-day period, the law enforcement officer shall return the animal to the owner only if:

- a. The owner demonstrates that the animal was not abandoned in violation of this chapter; and
 - b. The owner pays for all costs associated with the animal's care while in custody, including any costs of notifications under this section.
4. If the law enforcement officer refuses to return the animal to its owner, the owner may petition the court for an order directing its return. In ruling on a petition under this subsection, a court may direct that the animal be sold, placed for adoption, humanely destroyed, or returned to its owner with or without conditions.
5. If the owner does not lay claim to the animal within five days, the law enforcement officer shall sell the animal, place it for adoption, or humanely destroy it.
6. Any proceeds from the sale or adoption of an animal under this section must be deposited in the county general fund.
7. *Notwithstanding the requirements of this section, if upon examining an animal taken into custody by a law enforcement officer in accordance with this section a licensed veterinarian determines that the animal's condition justifies its destruction, the veterinarian shall humanely destroy the animal. The law enforcement agency shall reimburse the veterinarian for the cost of the animal's destruction.*
8. For purposes of this section, "care" means food, water, and shelter from the elements, as appropriate for the species, the breed, and the animal's age and physical condition, and necessary medical attention.

9. CROSS ENFORCEMENT / REPORTING

10. VETERINARIAN REPORTING / IMMUNITY

N.D. CENT. CODE § 36-01-35 (2017). Assistance in criminal investigations.

The board shall maintain and make available to any law enforcement agency a list of veterinarians who are licensed in this state and trained to provide assistance in any criminal investigation pertaining to this state's animal laws.

N.D. CENT. CODE § 36-21.2-10 (2017). Veterinarian.

If upon examining an animal a licensed veterinarian determines that there is reasonable cause to believe an animal has been neglected, abused, treated cruelly, or subjected to any act or omission in violation of this chapter, the veterinarian may retain custody of the animal and shall immediately notify law enforcement officials regarding the determination.

N.D. CENT. CODE § 36-21.2-13 (2017). Immunity from liability.

A veterinarian is immune from civil or criminal liability if the veterinarian, on the veterinarian's own initiative or at the request of a law enforcement officer or other governmental entity, renders emergency treatment to a sick or injured animal under this chapter. Immunity under this section does not apply in the case of negligence.

11. LAW ENFORCEMENT POLICIES

12. SEXUAL ASSAULT

N.D. CENT. CODE § 12.1-20-02 (2017). Definitions.

In sections 12.1-20-03 through 12.1-20-12:

1. “Coercion” means to exploit fear or anxiety through intimidation, compulsion, domination, or control with the intent to compel conduct or compliance.
2. “*Deviate sexual act*” means any form of sexual contact with an animal, bird, or dead person.
3. “Object” means anything used in commission of a sexual act other than the person of the actor.
4. “Sexual act” means sexual contact between human beings consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any other portion of the human body and the penis, anus, or vulva; or the use of an object which comes in contact with the victim’s anus, vulva, or penis. For the purposes of this subsection, sexual contact between the penis and the vulva, the penis and the anus, any other portion of the human body and the anus or vulva, or an object and the anus, vulva, or penis of the victim, occurs upon penetration, however slight. Emission is not required.
5. “Sexual contact” means any touching, whether or not through the clothing or other covering, of the sexual or other intimate parts of the person, or the penile ejaculation or ejaculate or emission of urine or feces upon any part of the person, for the purpose of arousing or satisfying sexual or aggressive desires.

N.D. CENT. CODE § 12.1-20-12 (2017). Deviate sexual act.

A person who performs a deviate sexual act with the intent to arouse or gratify his sexual desire is guilty of a class A misdemeanor.

13. FIGHTING

N.D. CENT. CODE § 36-21.1-07 (2017). Cockfights, dogfights, and other exhibitions prohibited—Penalties.

1. No person may engage in or be employed at cockfighting, dogfighting, bearbaiting, pitting one animal against another, or any other similar cruelty, such as bear fighting, kangaroo boxing, or similar activity, to animals; nor may a person receive money for the admission of any person to any place used, or about to be used, for any such purpose, nor may a person willfully permit anyone to enter or use, for any such purpose, premises of which that person is the owner, agent, or occupant; nor may a person use, train, or possess a dog or other animal for the purpose of maltreating any domestic animal. Any person who violates this subsection is guilty of a class C felony.

2. No person may knowingly purchase a ticket of admission to, be present at, or witness the activities prohibited by subsection 1. Any person who violates this subsection is guilty of a class A misdemeanor.

14. REFERENCED STATUTES

N.D. CENT. CODE § 12.1-17-09 (2017). Killing or injury of law enforcement support animal—definition—Penalty.

1. A person is guilty of a class C felony and is subject to a civil penalty of up to ten thousand dollars if that person willfully and unjustifiably kills, shoots, tortures, torments, beats, kicks, strikes, mutilates, disables, or otherwise injures a law enforcement support animal.
2. A person is guilty of a class A misdemeanor and is subject to a civil penalty of up to five thousand dollars if that person willfully:
 - a. Harasses, taunts, or provokes a law enforcement support animal;
 - b. Interferes with a law enforcement support animal while the animal is working; or
 - c. Interferes with the individual handling the animal.
3. For purposes of this section, “law enforcement support animal” means any animal used by or on behalf of a law enforcement officer in the performance of the officer's functions and duties, including crowd control, corrections, arson investigation, or search and rescue, regardless of whether the animal is on or off duty.
4. This section does not apply to a law enforcement officer or a veterinarian who terminates the life of a law enforcement support animal to relieve the animal of undue suffering and pain.

N.D. CENT. CODE § 12.1-20-02 (2017). Definitions.

In sections 12.1-20-03 through 12.1-20-12:

1. “Coercion” means to exploit fear or anxiety through intimidation, compulsion, domination, or control with the intent to compel conduct or compliance.
2. “Deviate sexual act” means any form of sexual contact with an animal, bird, or dead person.
3. “Object” means anything used in commission of a sexual act other than the person of the actor.
4. “Sexual act” means sexual contact between human beings consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva, or any other portion of the human body and the penis, anus, or vulva; or the use of an object which comes in contact with the victim’s anus, vulva, or penis. For the purposes of this subsection, sexual contact between the penis and the vulva, the penis and the anus, any other portion of the human body and the anus or vulva,

or an object and the anus, vulva, or penis of the victim, occurs upon penetration, however slight. Emission is not required.

5. “Sexual contact” means any touching, whether or not through the clothing or other covering, of the sexual or other intimate parts of the person, or the penile ejaculation or ejaculate or emission of urine or feces upon any part of the person, for the purpose of arousing or satisfying sexual or aggressive desires.

N.D. CENT. CODE § 12.1-20-12 (2017). Deviate sexual act.

A person who performs a deviate sexual act with the intent to arouse or gratify his sexual desire is guilty of a class A misdemeanor.

N.D. CENT. CODE § 12.1-32-01 (2017). Classification of offenses—Penalties.

Offenses are divided into seven classes, which are denominated and subject to maximum penalties, as follows:

1. Class AA felony, for which a maximum penalty of life imprisonment without parole may be imposed. The court must designate whether the life imprisonment sentence imposed is with or without an opportunity for parole. Notwithstanding the provisions of section 12-59-05, a person found guilty of a class AA felony and who receives a sentence of life imprisonment with parole, shall not be eligible to have that person’s sentence considered by the parole board for thirty years, less sentence reduction earned for good conduct, after that person’s admission to the penitentiary.
2. Class A felony, for which a maximum penalty of twenty years’ imprisonment, a fine of twenty thousand dollars, or both, may be imposed.
3. Class B felony, for which a maximum penalty of ten years’ imprisonment, a fine of twenty thousand dollars, or both, may be imposed.
4. Class C felony, for which a maximum penalty of five years’ imprisonment, a fine of ten thousand dollars, or both, may be imposed.
5. Class A misdemeanor, for which a maximum penalty of one year’s imprisonment, a fine of three thousand dollars, or both, may be imposed.
6. Class B misdemeanor, for which a maximum penalty of thirty days’ imprisonment, a fine of one thousand five hundred dollars, or both, may be imposed.

7. Infraction, for which a maximum fine of one thousand dollars may be imposed. Any person convicted of an infraction who has, within one year prior to commission of the infraction of which the person was convicted, been previously convicted of an offense classified as an infraction may be sentenced as though convicted of a class B misdemeanor. If the prosecution contends that the infraction is punishable as a class B misdemeanor, the complaint shall specify that the offense is a misdemeanor.

This section shall not be construed to forbid sentencing under section 12.1-32-09, relating to extended sentences.

N.D. CENT. CODE § 25-13-06 (2017). Killing or injury of service animal – Penalty.

1. A person is guilty of a class C felony and is subject to a civil penalty of up to ten thousand dollars if that person willfully and unjustifiably kills, shoots, tortures, torments, beats, kicks, strikes, mutilates, disables, or otherwise injures a service animal.

2. A person is guilty of a class A misdemeanor and is subject to a civil penalty of up to five thousand dollars if that person willfully:

- a. Harasses, taunts, or provokes a service animal; or
- b. Interferes with a service animal while the animal is working.

3. This section does not apply to a veterinarian who terminates the life of a service animal to relieve the animal of undue suffering and pain.

N.D. CENT. CODE § 36-01-35 (2017). Assistance in criminal investigations.

The board shall maintain and make available to any law enforcement agency a list of veterinarians who are licensed in this state and trained to provide assistance in any criminal investigation pertaining to this state's animal laws.

N.D. CENT. CODE § 36-21.1-07 (2017). Cockfights, dogfights, and other exhibitions prohibited—Penalties.

1. No person may engage in or be employed at cockfighting, dogfighting, bearbaiting, pitting one animal against another, or any other similar cruelty, such as bear fighting, kangaroo boxing, or similar activity, to animals; nor may a person receive money for the admission of any person to any place used, or about to be used, for any such purpose, nor may a person willfully permit anyone to enter or use, for any such purpose, premises of which that person is the owner, agent, or occupant; nor may a person use, train, or possess a dog or other animal for the purpose of maltreating any domestic animal.

Any person who violates this subsection is guilty of a class C felony.

2. No person may knowingly purchase a ticket of admission to, be present at, or witness the activities prohibited by subsection 1. Any person who violates this subsection is guilty of a class A misdemeanor.

N.D. CENT. CODE § 36-21.2-01 (2017). Neglect -- Definition -- Exemptions -- Penalty.

1. Any person that willfully engages in animal neglect is guilty of a class A misdemeanor.

2. For purposes of this chapter, “neglect” with respect to dogs and cats, means the failure to provide an animal with:

a. Food and water, as appropriate for the species, the breed, and the animal’s age and physical condition;

b. Shelter from the elements, as appropriate for the species, the breed, and the animal’s age and physical condition;

c. Necessary medical attention; and

d. An environment that is:

(1) Ventilated in a manner appropriate for the species, the breed, and the animal’s age and physical condition;

(2) Cleaned in a manner appropriate for the species, the breed, and the animal’s age and physical condition; and

(3) Free of conditions likely to cause injury or death to an animal of that species, breed, age, and physical condition.

3. For purposes of this chapter, “neglect” with respect to all animals other than those included in subsection 2, means the failure to provide:

a. Food and water that is:

(1) Appropriate for the species and the breed; and

- (2) Sufficient to sustain the animal's health;
 - b. Minimal protection from adverse weather conditions, as appropriate for the species and the breed; and
 - c. Medical attention in the event of an injury or illness, as appropriate for the species and the breed.
4. The following do not constitute violations of this section:
- a. Any usual and customary practice in:
 - (1) The production of food, feed, fiber, or ornament, including all aspects of the livestock industry;
 - (2) The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;
 - (3) The sport of rodeo;
 - (4) Animal racing;
 - (5) The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C. 2131, et seq.;
 - (6) Fishing, hunting, and trapping;
 - (7) Wildlife management;
 - (8) The culinary arts;
 - (9) Lawful research and educational activities; and
 - (10) Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;
 - b. The humane or swift destruction of an animal for cause; and
 - c. Services provided by or under the direction of a licensed veterinarian.

N.D. CENT. CODE § 36-21.2-02 (2017). Animal abuse -- Definition -- Exemptions -- Penalty.

1. Any person that willfully engages in animal abuse is guilty of a class A misdemeanor for a first or a second offense and a class C felony for a third or subsequent offense occurring within ten years.

2. For purposes of this chapter, “animal abuse” means any act or omission that results in physical injury to an animal or that causes the death of an animal, but does not include any act that falls within the definition of animal cruelty, as set forth in section 36-21.2-03.

3. The following do not constitute violations of this section:

a. Any usual and customary practice in:

(1) The production of food, feed, fiber, or ornament, including all aspects of the livestock industry;

(2) The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;

(3) The sport of rodeo;

(4) Animal racing;

(5) The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C. 2131, et seq.;

(6) Fishing, hunting, and trapping;

(7) Wildlife management;

(8) The culinary arts;

(9) Lawful research and educational activities; and

(10) Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;

b. Any action taken by an individual against an animal that is attacking or is about to attack a human, a companion animal, or livestock;

c. The humane or swift destruction of an animal for cause; and

d. Services provided by or under the direction of a licensed veterinarian.

N.D. CENT. CODE § 36-21.2-03 (2017). Animal cruelty -- Definition -- Exemptions -- Penalty.

1. Any person that intentionally engages in animal cruelty is guilty of a class C felony.
2. For purposes of this chapter, “animal cruelty” means:
 - a. Breaking an animal’s bones;
 - b. Causing the prolonged impairment of an animal’s health;
 - c. Mutilating an animal; or
 - d. Physically torturing an animal.
3. The following do not constitute violations of this section:
 - a. Any usual and customary practice in:
 - (1) The production of food, feed, fiber, or ornament, including all aspects of the livestock industry;
 - (2) The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;
 - (3) The sport of rodeo;
 - (4) Animal racing;
 - (5) The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C. 2131, et seq.;
 - (6) Fishing, hunting, and trapping;
 - (7) Wildlife management;
 - (8) The culinary arts;
 - (9) Lawful research and educational activities; and
 - (10) Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;
 - b. Any action taken by an individual against an animal that is attacking or is about to attack a human, a companion animal, or livestock;

- c. The humane or swift destruction of an animal for cause; and
- d. Services provided by or under the direction of a licensed veterinarian.

N.D. CENT. CODE § 36-21.2-04 (2017). Animal abandonment -- Definition -- Exemptions -- Penalty.

1. Any person that willfully engages in the abandonment of an animal is guilty of a class A misdemeanor.
2. For purposes of this chapter, “abandonment” means the relinquishment of a person’s custody or control, with no intention of reclaiming that custody or control, and without placing the animal into the custody or control of another person that is able to provide care for the animal and who knowingly and willingly accepts that responsibility. The term includes:
 - a. The desertion of an animal; and
 - b. The failure to retrieve an animal within forty-eight hours after the agreed-upon conclusion of a boarding contract or other service contract, other than that specified in section 43-29-16.1.
3. The following do not constitute violations of this section:
 - a. Any usual and customary practice in:
 - (1) The production of food, feed, fiber, or ornament, including all aspects of the livestock industry;
 - (2) The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;
 - (3) The sport of rodeo;
 - (4) Animal racing;
 - (5) The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C. 2131, et seq.;
 - (6) Fishing, hunting, and trapping;
 - (7) Wildlife management;
 - (8) The culinary arts;

(9) Lawful research and educational activities; and

(10) Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;

b. The humane or swift destruction of an animal for cause; and

c. Services provided by or under the direction of a licensed veterinarian.

4. For purposes of this section, “care” means food, water, and shelter from the elements, as appropriate for the species, the breed, and the animal’s age and physical condition, and necessary medical attention.

N.D. CENT. CODE § 36-21.2-05 (2017). Seizure of animal -- Court order.

1. A law enforcement officer, upon a recommendation from a licensed veterinarian approved by the board of animal health, may petition the court for an order directing the seizure of any animal believed to have been neglected, abused, treated cruelly, or subjected to any act or omission in violation of this chapter.

2. The court, upon a recommendation from a licensed veterinarian approved by the board of animal health, may act without notice to the animal’s owner or to the person having custody or control of the animal and may rely solely on testimony or an affidavit in considering the petition.

3. In the order for seizure, the court may direct that a veterinarian humanely destroy an animal if the veterinarian, upon examining the animal, determines that the animal is experiencing excruciating pain or suffering and that the animal’s pain or suffering is not likely to be alleviated using reasonable medical interventions.

N.D. CENT. CODE § 36-21.2-06 (2017). Law enforcement -- Duty upon seizure -- Notification.

1. Upon seizing an animal as provided for in section 36-21.2-05, the law enforcement officer shall provide care for the animal, either directly or through a contractual arrangement with another person. For purposes of this subsection, “care” means food, water, and shelter from the elements, as appropriate for the species, the breed, and the animal’s age and physical condition, and necessary medical attention.

a. If the owner and the person having custody or control at the time of the seizure are known to the officer, the officer shall:

(1) Provide notice of the seizure to the owner and the person having custody or control of the animal; and

(2) Petition the court for an order directing the animal's disposition.
b. If the animal's owner is not known to the law enforcement officer, the officer shall publish notice of the animal's seizure in the official newspaper of the county and indicate that if the owner does not claim the animal within five days, the animal will be sold, placed for adoption, or humanely destroyed, at the direction of the law enforcement officer.

(1) If the owner does not claim the animal within five days, as required by this subdivision, the law enforcement officer shall sell the animal, place the animal for adoption, or provide for its humane destruction.

(2) If the owner is identified within the five-day period, the law enforcement officer shall petition the court for an order directing the animal's disposition.

2. In ruling on a petition for an animal's disposition under this section, a court may direct that the animal be sold, placed for adoption, humanely destroyed, or returned to its owner, with or without conditions.

N.D. CENT. CODE § 36-21.2-07 (2017). Costs of seizure and care -- Responsibility of owner -- Lien.

1. If convicted of violating this chapter, the owner of an animal seized under section 36-21.2-05 is responsible for all costs related to the animal's seizure, including required notifications, attorney's fees, court costs, and any costs incurred in providing the animal with care or in providing for its destruction in accordance with section 36-21.2-06.

2.

a. The law enforcement agency that seized the animal has a lien upon the animal for all costs incurred as a result of the seizure and conviction. The lien is superior to any other claim or lien.

b. If the lien is not satisfied by the animal's owner, the law enforcement agency may apply to the court for an order enforcing the lien.

3. If a seized animal is sold, the proceeds must be used first to satisfy the lienholder to the extent of the lien and second to satisfy any other claims involving the animal. Any remaining proceeds must be returned to the owner, as directed by the court. If the owner is unknown, any proceeds otherwise payable to the owner must be deposited in the general fund of the county.

N.D. CENT. CODE § 36-21.2-08 (2017). Abandoned animal -- Law enforcement officer -- Duties.

1. A law enforcement officer may take custody of an animal if the officer has reasonable cause to believe that the animal has been abandoned in violation of this chapter.
2.
 - a. Upon taking custody of an animal in accordance with this section, the law enforcement officer shall:
 - (1) Provide care for the animal, either directly or through a contractual arrangement with another person; and
 - (2)
 - (a) Notify the owner, if known to the officer; or
 - (b) If the owner is not known to the officer, provide notice of the animal's custody, indicate that if the owner does not lay claim to the animal within five days, the animal will be sold, placed for adoption, or humanely destroyed, at the direction of the law enforcement officer, and include the officer's contact information.
 - b. For purposes of this subdivision, notice may be provided by:
 - (1) Publication in the official newspaper of the county if the newspaper is published daily or in a daily newspaper serving the county;
 - (2) Any electronic means; or
 - (3) Posting a description and a photograph at the local law enforcement center.
3. If the owner is identified within the five-day period, the law enforcement officer shall return the animal to the owner only if:
 - a. The owner demonstrates that the animal was not abandoned in violation of this chapter; and
 - b. The owner pays for all costs associated with the animal's care while in custody, including any costs of notifications under this section.
4. If the law enforcement officer refuses to return the animal to its owner, the owner may petition the court for an order directing its return. In ruling on a petition under this subsection, a court may direct that the animal be sold, placed for adoption, humanely destroyed, or returned to its owner with or without conditions.

5. If the owner does not lay claim to the animal within five days, the law enforcement officer shall sell the animal, place it for adoption, or humanely destroy it.
6. Any proceeds from the sale or adoption of an animal under this section must be deposited in the county general fund.
7. Notwithstanding the requirements of this section, if upon examining an animal taken into custody by a law enforcement officer in accordance with this section a licensed veterinarian determines that the animal's condition justifies its destruction, the veterinarian shall humanely destroy the animal. The law enforcement agency shall reimburse the veterinarian for the cost of the animal's destruction.
8. For purposes of this section, "care" means food, water, and shelter from the elements, as appropriate for the species, the breed, and the animal's age and physical condition, and necessary medical attention.

N.D. CENT. CODE § 36-21.2-10 (2017). Veterinarian.

If upon examining an animal a licensed veterinarian determines that there is reasonable cause to believe an animal has been neglected, abused, treated cruelly, or subjected to any act or omission in violation of this chapter, the veterinarian may retain custody of the animal and shall immediately notify law enforcement officials regarding the determination.

N.D. CENT. CODE § 36-21.2-11 (2017). Caged animals -- Public display -- Exemptions -- Penalty.

1. In addition to any other requirements set forth in this chapter, a person placing a caged animal on public display shall ensure that:
 - a. The size of the cage allows the animal to stand up, lie down, and turn or move about; and
 - b. The cage provides the animal with protection from the elements, as appropriate for the species, the breed, and the animal's age and physical condition.
2. Any person that willfully fails to meet the requirements of this section is guilty of a class A misdemeanor.
3. This section does not apply to:
 - a. The North Dakota state fair association;
 - b. Agricultural fair associations; or

c. Political subdivisions.

4. The following do not constitute violations of this section:

a. Any usual and customary practice in:

(1) The production of food, feed, fiber, or ornament, including all aspects of the livestock industry;

(2) The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;

(3) The sport of rodeo;

(4) Animal racing;

(5) The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C. 2131, et seq.;

(6) Fishing, hunting, and trapping;

(7) Wildlife management;

(8) The culinary arts;

(9) Lawful research and educational activities; and

(10) Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;

b. Any action taken by an individual against an animal that is attacking or is about to attack a human, a companion animal, or livestock;

c. The humane or swift destruction of an animal for cause; and

d. Services provided by or under the direction of a licensed veterinarian.

N.D. CENT. CODE § 36-21.2-12 (2017). Unattended animal in motor vehicle -- Penalty.

1. An individual may not leave an animal unattended in a motor vehicle without ensuring that the animal's health and safety is not endangered.

2. An individual who violates this section is guilty of an infraction.

3. A law enforcement officer may use reasonable means to enter a motor vehicle and remove an animal left in violation of this section.

N.D. CENT. CODE § 36-21.2-13 (2017). Immunity from liability.

A veterinarian is immune from civil or criminal liability if the veterinarian, on the veterinarian's own initiative or at the request of a law enforcement officer or other governmental entity, renders emergency treatment to a sick or injured animal under this chapter. Immunity under this section does not apply in the case of negligence.

N.D. CENT. CODE § 36-21.2-14 (2017). Estrays.

This chapter does not apply to estrays.

N.D. CENT. CODE § 36-21.2-15 (2017). Multiple animals -- Enhancement of offense.

If a violation of this chapter involves multiple animals, whether of the same species or not, the violation is deemed to be a singular offense for purposes of enhancement.