

[OWNING] [POSSESSING] [USING] [TRANSPORTING] [TRAFFICKING] OF LARGE CONSTRICTING SNAKE NOT HOUSED IN A STURDY AND SECURE ENCLOSURE. G.S. § 14-417.1. MISDEMEANOR.

*NOTE WELL: This instruction is applicable for offenses committed on or after December 1, 2009.*

The defendant has been charged with [owning] [possessing] [using] [transporting] [trafficking] a large constricting snake not housed in a sturdy and secure enclosure.

For you to find the defendant guilty of this offense, the State must prove [two] [three] things beyond a reasonable doubt:

First, that the defendant [owned] [possessed] [used] [transported] [trafficked<sup>1</sup>] a large constricting snake.<sup>2</sup> (*Name animal*) is a large constricting snake.

(And) Second, that the large constricting snake was not housed in a sturdy and secure enclosure.<sup>3</sup>

*(Use the following element only if the victim was a person other than the [owner] [owner's agent] [member of the owner's immediately family].)*

(And) Third, that the victim [suffered a life threatening injury] [was killed].<sup>4</sup>

If you find from the evidence beyond a reasonable doubt that on or about the alleged

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1. Trafficking means transporting along a route.

2. The term "large constricting snake" means Reticulated Python, *Python reticulatus*; Burmese Python, *Python molurus*; African Rock Python, *Python sebae*; Amethystine Python, *Morelia amethystina*; and Green Anaconda, *Eunectes murinus*; or any of their subspecies or hybrids.

3. Permanent enclosures shall be designed to be escape-proof and shall have an operable lock. Transport containers shall be designed to be escape-proof. Each enclosure shall be labeled clearly and visibly with the scientific name, common name, number of specimens, and owner's identifying information. A written safety protocol and escape recovery plan shall be within sight of permanent housing, and a copy shall accompany the transport of any of the large constricting snakes. The safety protocol shall include emergency contact information, identification of the local animal control office, and first aid procedures.

4. The penalty for this offense will be higher if any person, other than the owner of the large constricting snake, the owner's agent, employee, or a member of the owner's immediate family, suffers a life threatening injury or is killed as the result of this offense. This shall not apply to violations that result from incidents that could not have been prevented or avoided by the owner's exercise of due care or foresight, such as natural disasters or other acts of God, or in the case of thefts of the reptile from the owner.

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date, the defendant [owned] [possessed] [used] [transported] [trafficked] a large constricting snake (and) that the large constricting snake was not housed in a sturdy and secure enclosure, (and that the victim [suffered a life threatening injury] [was killed]), it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.