

247.80 [OWNING] [POSSESSING] [USING] [TRANSPORTING]  
[TRAFFICKING] OF VENOMOUS REPTILE NOT HOUSED IN A STURDY AND  
SECURE ENCLOSURE. 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<sup>1</sup>] a venomous reptile 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] a venomous reptile.

(And) Second, that the venomous reptile was not housed in a sturdy  
and secure enclosure.<sup>2</sup>

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

(And Third, that the alleged victim [suffered a life threatening injury]  
[was killed].<sup>3</sup>)

If you find from the evidence beyond a reasonable doubt that on or  
about the alleged date, the defendant [owned] [possessed] [used]  
[transported] [trafficked] a venomous reptile (and) that the venomous reptile  
was not housed in a sturdy and secure enclosure, (and that the alleged victim  
[suffered a life threatening injury] [was killed]), it would be your duty to return

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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.

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1. Trafficking means transporting along a route.

2. Enclosures shall be designed to be escape-proof, bite-proof, and have an operable lock. Each enclosure shall be clearly and visibly labeled 'Venomous Reptile Inside' with scientific name, common name, appropriate antivenom, and owner's identifying information noted on the container. A written bite protocol that includes emergency contact information, local animal control office, the name and location of suitable antivenom, first aid procedures, and treatment guidelines, as well as an escape recovery plan must be within sight of permanent housing, and a copy must accompany the transport of any venomous reptile. N.C.G.S. § 14-417(a).

3. The penalty for this offense will be higher if any person, other than the owner of the venomous reptile, 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.