

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 378

Short Title: Trespass to Hunt.

(Public)

Sponsors: Representative Beall.

Referred to: Judiciary II.

March 28, 1991

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW PROHIBITING TRESPASSING FOR PURPOSES
OF HUNTING.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-159.6 reads as rewritten:

"§ 14-159.6. Trespass for purposes of hunting, etc., without written consent a misdemeanor.

Any person who willfully goes on the land, waters, ponds, or a legally established waterfowl blind of another ~~upon which notices, signs or posters, described in G.S. 14-159.7, prohibiting hunting, fishing or trapping, or upon which 'posted' notices have been placed,~~ to hunt, fish or trap without the written ~~consent~~ consent, in his possession, of the owner or his agent owner, his agent, or the lessee of the property shall be guilty of a misdemeanor and punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00), or by imprisonment for not more than six months, or by both fine and imprisonment. The written consent shall be displayed upon request to any law enforcement officer with authority to enforce this act. Provided, further, that no arrests under authority of this section shall be made without the consent of the owner or owners of said land, or their duly authorized agents in the following counties: Halifax, Onslow, Warren."

Sec. 2. Article 22 of Chapter 14 of the General Statutes is amended by adding two new sections to read:

"§ 14-159.6A. Liability of owner, his agent, or his lessee.

1 An owner, his agent, or lessee who gives written permission to another person to
2 hunt, fish, or trap on his land, waters, ponds, or legally established waterfowl blind
3 owes the person no greater duty of care than he owes a trespasser.

4 **"§ 14-159.6B. Affirmative duty of sportsmen to obtain permission to hunt, fish, or**
5 **trap.**

6 Before an individual may enter the property of another to hunt, trap, or fish, he is
7 under a duty to ascertain the identification of the person controlling hunting, trapping,
8 and fishing rights for the property and to obtain written permission to hunt, trap, or fish
9 on the property."

10 Sec. 3. G.S. 14-159.7 reads as rewritten:

11 **"§ 14-159.7. Regulations as to posting of property.**

12 Any person who willfully goes on the land, waters, ponds, or a legally established
13 waterfowl blind of another upon which notices, signs, or posters prohibiting hunting,
14 fishing, or trapping without the written consent of the owner, his agent, or his lessee is
15 guilty of second-degree trespass as provided in G.S. 14-159.13. The notices, signs or
16 posters described in G.S. 14-159.6 shall measure not less than 120 square inches and shall
17 be conspicuously posted on private lands not more than 200 yards apart close to and
18 along the boundaries. At least one such notice, sign, or poster shall be posted on each
19 side of such land, and one at each corner thereof, provided that said corner can be
20 reasonably ascertained. For the purpose of prohibiting fishing, or the taking of fish by
21 any means, in any stream, lake, or pond, it shall only be necessary that the signs,
22 notices, or posters be posted along the stream or shoreline of a pond or lake at intervals
23 of not more than 200 yards apart."

24 Sec. 4. G.S. 14-159.10 reads as rewritten:

25 **"§ 14-159.10. Enforcement of Article by wildlife enforcement officers and peace**
26 **officers; ~~wildlife protectors authorized to execute process~~ officers.**

27 This Article may be enforced by wildlife enforcement officers, deputy sheriffs and
28 other peace officers with general subject matter jurisdiction. ~~Law enforcement officers of~~
29 ~~the North Carolina Wildlife Resources Commission may execute process issued by the court~~
30 ~~for violations of this Article."~~

31 Sec. 5. G.S. 14-159.13(a) reads as rewritten:

32 "(a) Offense. – A person commits the offense of second degree trespass if, without
33 authorization, he enters or remains on premises of another:

34 (1) After he has been notified not to enter or remain there by the owner, by
35 a person in charge of the premises, by a lawful occupant, or by another
36 authorized person; or

37 (2) That are posted, in a manner reasonably likely to come to the attention
38 of intruders, with notice not to enter the ~~premises.~~ premises; or

39 (3) On the premises of another that are posted as provided in G.S. 14-
40 159.7."

41 Sec. 6. Article 21A of Chapter 113 of the General Statutes is repealed.

42 Sec. 7. This act becomes effective September 1, 1991.