

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

2

HOUSE BILL 827
Second Edition Engrossed 5/12/93

Short Title: Uniform Roadside Hunting.

(Public)

Sponsors: Representative Mavretic.

Referred to: Judiciary I.

April 8, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH UNIFORMITY IN THE REGULATION OF ROADSIDE
3 HUNTING.

4 Whereas, recreational hunting is an essential wildlife management tool and a
5 longstanding North Carolina tradition; and

6 Whereas, recreational hunting is encountering increasing opposition from
7 antihunting groups and other sectors of the public concerned with public safety; and

8 Whereas, hunters engaged in road hunting are all too visible to opponents of
9 recreational hunting, and in many states this visibility is being used by antihunting
10 groups to advance bans on hunting; and

11 Whereas, there are currently over 90 laws in the State of North Carolina
12 regulating roadside hunting; and

13 Whereas, the N.C. Wildlife Resources Commission reports that a lack of
14 uniform roadside hunting legislation has resulted in complaints from the general public
15 and has produced confusion among hunters in the State; Now, therefore,
16 The General Assembly of North Carolina enacts:

17 Section 1. Chapter 113 of the General Statutes is amended by adding a new
18 section to read:

19 "**§ 113-291.10. Hunting from roadways and rights-of-way of public roads and**
20 **highways.**

1 (a) It is unlawful to do any of the following from, on, or across the right-of-way
2 of any publicly maintained road, street, or highway open to vehicular traffic in this
3 State:

4 (1) To hunt, take, or kill any wild animal or wild bird with the use of
5 firearms; or

6 (2) To attempt to hunt, take, or kill any wild animal or wild bird with the
7 use of firearms; or

8 (3) To otherwise shoot or discharge any type of firearm.

9 (b) It is **prima facie** evidence of a violation of this section to possess a loaded
10 firearm outside of a vehicle, during the season for hunting a game bird or game animal
11 with firearms, on the roadway or right-of-way of a publicly maintained road, street, or
12 highway open to vehicular traffic in this State.

13 (c) This act shall not apply to discharge of firearm in defense of persons or
14 property, to law enforcement officers or members of the armed forces acting in the line
15 of duty, or to the discharge of firearms pursuant to the lawful direction of law
16 enforcement officers.

17 (d) Violation of this section is a misdemeanor punishable for a first conviction by
18 a fine of not more than fifty dollars (\$50.00), imprisonment for up to 30 days, or both,
19 in the discretion of the court. A second or subsequent conviction for a violation of this
20 section is punishable by a fine of not less than one hundred dollars (\$100.00) nor more
21 than two hundred fifty dollars (\$250.00), imprisonment for up to 60 days, or both, in the
22 discretion of the court. When appropriate, the Wildlife Resources Commission may
23 issue warning tickets for first-time violators of this section.

24 (e) This section shall not apply to Carteret, Craven, Duplin, Jones, Onslow, and
25 Pamlico Counties."

26 Sec. 2. To the extent that this act conflicts with any provision of any local
27 act, this act prevails, except as provided in Section 2.1 of this act.

28 Sec. 2.1. To the extent a local act provides for a longer term of imprisonment
29 or a higher fine for a first, second, or subsequent offense, the local act shall prevail.

30 Sec. 3. Prosecutions for offenses occurring before the effective date of this
31 act are not abated or affected by this act, and the laws and statutes that would be
32 applicable but for this act remain applicable to those prosecutions.

33 Sec. 4. This act becomes effective October 1, 1993.