

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 514

Short Title: Stop Bear Trade.

(Public)

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Sponsors: Senators Barker and Winner.

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Referred to: Marine Resources and Wildlife.

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March 20, 1989

A BILL TO BE ENTITLED

1 AN ACT TO MAKE IT UNLAWFUL TO KILL A BEAR WEIGHING LESS THAN  
2 ONE HUNDRED POUNDS AND TO INCREASE THE PENALTIES FOR THE  
3 UNLAWFUL TAKING, POSSESSION, TRANSPORTATION, SALE,  
4 POSSESSION FOR SALE, OR PURCHASE OF A BEAR OR BEAR PART.  
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 113-291.7 reads as rewritten:

8 "**§ 113-291.7. Regulation of bears; limited retention of local acts closing bear**  
9 **seasons.**

10 (a) It is unlawful to hunt, take, or kill a bear weighing less than 100 pounds.

11 (b) Local acts closing the season on bears are exempted from the provisions of  
12 G.S. 113-133.1(b) until July 1, 1981. After that date any local acts setting a year-round  
13 closed season on bears which have not by their terms expired are temporarily retained  
14 until the Wildlife Resources Commission supersedes them by adopting rules either  
15 opening a season in the county affected or carrying forward the closed-season  
16 provision."

17 Sec. 2. G.S. 113-294 reads as rewritten:

18 "**§ 113-294. Specific violations.**

19 (a) Any person who unlawfully sells, possesses for sale, or buys any wildlife is  
20 guilty of a misdemeanor. Unless a greater penalty is prescribed for the offense in  
21 question, any person convicted under this subsection is punishable by a fine of not less  
22 than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), imprisonment  
23 not to exceed 90 days, or both.

1 (b) Any person who unlawfully sells, possesses for sale, or buys any ~~bear~~, cougar  
2 (Felis concolor), deer, or wild turkey is guilty of a misdemeanor. Unless a greater  
3 penalty is prescribed for the offense in question, any person convicted under this  
4 subsection is punishable by a fine of not less than two hundred fifty dollars (\$250.00) in  
5 addition to such other punishment the court may impose in its discretion.

6 (c) Any person who unlawfully takes, possesses, or transports any ~~bear~~, cougar  
7 (Felis concolor), or wild turkey is guilty of a misdemeanor. Unless a greater penalty is  
8 prescribed for the offense in question, any person convicted under this subsection is  
9 punishable by a fine of not less than two hundred fifty dollars (\$250.00) in addition to  
10 such other punishment the court may impose in its discretion.

11 (c1) Any person who unlawfully takes, possesses, transports, sells, possesses for  
12 sale, or buys any bear or bear part is guilty of a misdemeanor. Unless a greater penalty  
13 is prescribed for the offense in question, any person convicted under this subsection is  
14 punishable by a fine of not less than one thousand dollars (\$1,000) or imprisonment not  
15 to exceed one year, or both, in addition to such other punishment the court may impose  
16 in its discretion. Each of the acts specified shall constitute a separate offense.

17 (d) Any person who unlawfully takes, possesses, or transports any deer is guilty  
18 of a misdemeanor. Unless a greater penalty is prescribed for the offense in question, any  
19 person convicted under this subsection is punishable by a fine of not less than one  
20 hundred dollars (\$100.00) in addition to such other punishment the court may impose in  
21 its discretion.

22 (e) Any person who unlawfully takes deer between a half hour after sunset and a  
23 half hour before sunrise with the aid of an artificial light is guilty of a misdemeanor.  
24 Unless a greater penalty is prescribed for the offense in question, any person convicted  
25 under this subsection is punishable by a fine of not less than two hundred fifty dollars  
26 (\$250.00) in addition to such other punishment the court may impose in its discretion.

27 (f) Any person who unlawfully takes, possesses, transports, sells, or buys any  
28 beaver, or violates any rule of the Wildlife Resources Commission adopted to protect  
29 beavers, is guilty of a misdemeanor. Unless a greater penalty is prescribed for the  
30 offense in question, any person convicted under this subsection is punishable by a fine  
31 of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00),  
32 imprisonment not to exceed 90 days, or both.

33 (g) Any person who unlawfully takes wild animals or birds from or with the use  
34 of a vessel equipped with a motor or with motor attached is guilty of a misdemeanor.  
35 Unless a greater penalty is prescribed for the offense in question, any person convicted  
36 under this subsection is punishable by a fine of not less than fifty dollars (\$50.00) nor  
37 more than five hundred dollars (\$500.00), imprisonment not to exceed 90 days, or both.

38 (h) Any person who wilfully makes any false or misleading statement in order to  
39 secure for himself or another any license, permit, privilege, exemption, or other benefit  
40 under this Subchapter to which he or the person in question is not entitled is guilty of a  
41 misdemeanor punishable in the discretion of the court.

42 (i) Any person who violates any provision of G.S. 113-291.6, regulating  
43 trapping, is guilty of a misdemeanor. Unless a greater penalty is prescribed for the  
44 offense in question, any person convicted under this subsection is punishable by a fine

1 of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00),  
2 imprisonment not to exceed 90 days, or both.

3 (j) Any person who takes any fox by unlawful trapping or with the aid of any  
4 electronic calling device is guilty of a misdemeanor. Unless a greater penalty is  
5 prescribed for the offense in question, any person convicted under this subsection is  
6 punishable by a fine of not less than fifty dollars (\$50.00) nor more than two hundred  
7 dollars (\$200.00), imprisonment not to exceed 90 days, or both.

8 (k) Any person who has been convicted of one of the fox offenses listed below  
9 who subsequently commits the same or another one of the fox offenses listed below is  
10 guilty of a misdemeanor. Unless a greater penalty is prescribed for the offense in  
11 question, any person convicted of a second or subsequent fox offense under this  
12 subsection is punishable by a fine of not less than two hundred fifty dollars (\$250.00)  
13 in addition to such other punishment the court may impose in its discretion. The fox  
14 offenses covered by this subsection are unlawfully selling, possessing for sale, or  
15 buying a fox; taking a fox by unlawful trapping; or unlawfully taking a fox with the aid  
16 of any electronic calling device.

17 (l) Any person who unlawfully takes, possesses, transports, sells or buys any  
18 bald eagle or golden eagle, alive or dead, or any part, nest or egg of a bald eagle or  
19 golden eagle is guilty of a misdemeanor. Unless a greater penalty is prescribed for the  
20 offense in question, any person convicted under this subsection is punishable by a fine  
21 of not more than one thousand dollars (\$1,000), or imprisonment of not more than one  
22 year, or both.

23 (m) Any person who unlawfully takes any migratory game bird with a rifle or an  
24 unplugged or improperly plugged shotgun; or who unlawfully takes any migratory game  
25 bird with the aid of live decoys or any salt, grain, fruit, or other bait; or who unlawfully  
26 takes any migratory game bird during the closed season or during prohibited shooting  
27 hours; or who unlawfully exceeds the bag limits or possession limits applicable to any  
28 migratory game bird is guilty of a misdemeanor. In addition to any other penalty  
29 prescribed in this Subchapter for the offense in question, any person convicted under  
30 this subsection is punishable by a fine of not less than one hundred fifty dollars  
31 (\$150.00) in addition to any other punishment that the court, in its discretion, may  
32 impose."

33 Sec. 3. This act shall become effective October 1, 1989.