

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1067

Short Title: Hunter Criminal Negligence.

(Public)

Sponsors: Representative Miller.

Referred to: Judiciary II.

April 22, 1991

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH PENALTIES FOR THE CRIMINALLY NEGLIGENT
2 USE OF A FIREARM WHILE HUNTING.

3 Whereas, despite the decrease in the number of hunting accidents resulting in
4 death or bodily injury, there is increased public concern over the safe handling of
5 firearms by persons engaged in the hunting of wild animals and wild birds; and

6 Whereas, numerous members of of the general public have requested
7 increased assurance that hunters are acting responsibly in the handling of firearms; and

8 Whereas, the vast majority of licensed hunters in North Carolina wish to
9 encourage safe handling of firearms among the hunting public, and to police the hunting
10 public in order to remove the negative impact of the small number of careless hunters;
11 and

12 Whereas, the hunting public has expressed its recognition of the hunter's
13 obligation to exercise reasonable care in the discharge of a firearm; Now, therefore,
14 The General Assembly of North Carolina enacts:

15 Section 1. Chapter 113 of the General Statutes is amended by adding a new
16 Article to read:

17 **"ARTICLE 21B.**

18 **"CRIMINALLY NEGLIGENT HUNTING.**

19 **"§ 113-290. Unlawful use of firearms.**

20 It is unlawful for any person, while hunting or taking wild animals or wild birds as
21 those terms are defined in G.S. 113-129 and G.S. 113-130, to discharge a firearm:

22 (1) Carelessly and heedlessly in wanton disregard for the safety of others;

23 or

1 (2) Without due caution or circumspection, and in a manner so as to
2 endanger any person or property;
3 and resulting in property damage or bodily injury.

4 **"§ 113-290.1. Penalties.**

5 (a) A person who violates the provisions of this Article is guilty of a
6 misdemeanor punishable as follows:

7 (1) If property damage only results from the unlawful activity, a fine of
8 not less than two hundred fifty dollars (\$250.00) nor more than one
9 thousand dollars (\$1,000) or imprisonment not to exceed 60 days, or
10 both, in the discretion of the court, and the court shall order the
11 payment of restitution to the property owner;

12 (2) If bodily injury not leading to the disfigurement or total or partial
13 permanent disability of another person results from the unlawful
14 activity, a fine of not less than five hundred dollars (\$500.00) nor more
15 than two thousand dollars (\$2,000) or imprisonment for not more than
16 two years, or both, in the discretion of the court; if property damage
17 also results from the unlawful activity, the court shall order the
18 payment of restitution to the property owner;

19 (3) If bodily injury leading to the disfigurement or total or partial
20 permanent disability of another person results from the unlawful
21 activity, a fine of not less than seven hundred fifty dollars (\$750.00)
22 nor more than two thousand dollars (\$2,000), and imprisonment for
23 not less than 15 days nor more than two years; if property damage also
24 results from the unlawful activity, the court shall order the payment of
25 restitution to the property owner;

26 (4) If death results from the unlawful activity, a fine of not less than one
27 thousand dollars (\$1,000) nor more than two thousand dollars
28 (\$2,000), and imprisonment for not less than 30 days nor more than
29 two years; if property damage also results from the unlawful activity,
30 the court shall order the payment of restitution to the property owner.

31 (b) The fact that a person was impaired at the time of a violation of this Article
32 shall be an aggravating factor, and the court shall impose an additional fine and/or
33 imprisonment in accordance with subdivision (a)(2) of this section in cases not resulting
34 in bodily injury and in accordance with subdivision (a)(4) of this section in cases
35 resulting in bodily injury. For purposes of this section, 'impaired' means being under
36 the influence of an impairing substance, or having consumed sufficient alcohol so that
37 the person has, at any relevant time after the offense, an alcohol concentration of .10 or
38 above.

39 (c) In addition to the penalties provided in subsection (a), upon conviction of a
40 violation of this Article, the Wildlife Resources Commission shall suspend all hunting
41 privileges of:

42 (1) A person convicted under subdivision (a)(1) for one year;

43 (2) A person convicted under subdivision (a)(2) for three years; and

44 (3) A person convicted under subdivisions (a)(3) or (a)(4) for five years.

1 (d) A person convicted of hunting or taking wild animals or wild birds while his
2 hunting license is suspended pursuant to this section shall be fined not less than five
3 hundred dollars (\$500.00) nor more than two thousand dollars (\$2,000), or imprisoned
4 for not more than two years, or both, and shall have all hunting privileges suspended for
5 an additional five years. The person may not be issued another hunting license until he
6 has satisfactorily completed the hunter safety course established in G.S. 113-270.1A.

7 (e) This Article may be enforced by law enforcement officers of the Wildlife
8 Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with
9 general subject matter jurisdiction."

10 Sec. 2. This act becomes effective October 1, 1991.