

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 827
Second Edition Engrossed 5/12/93
Senate Judiciary I Committee Substitute Adopted 7/16/93

Short Title: Uniform Roadside Hunting.

(Public)

Sponsors:

Referred to:

April 8, 1993

A BILL TO BE ENTITLED

AN ACT TO GENERALLY ESTABLISH UNIFORMITY IN THE REGULATION OF
ROADSIDE HUNTING.

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

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

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

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

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

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

"§ 113-291.10. Hunting from roadways and rights-of-way of public roads and 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 discharge a firearm
10 during the season for hunting a game bird or game animal with firearms, on the roadway
11 or right-of-way of a publicly maintained road, street, or highway open to vehicular
12 traffic in this State.

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

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

26 (f) This section shall not apply to persons hunting bear or boar from, on, or
27 across the right-of-way of an unpaved road."

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

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

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

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