

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 636
SENATE BILL 709

AN ACT MAKING IT ILLEGAL TO HARASS PEOPLE TAKING WILDLIFE OR
FISHERIES RESOURCES.

The General Assembly of North Carolina enacts:

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

"§ 113-267. **Robbing or injuring nets, seines, buoys, pots, etc.**—(a) It is unlawful for any person without the authority of the owner of the equipment to take fish from nets, traps, pots, and other devices to catch fish which have been lawfully placed in the open waters of the State.

(b) It is unlawful for any master or other person having the management or control of a vessel in the navigable waters of the State to willfully, wantonly, and unnecessarily do injury to any seine, net or pot which may lawfully be hauled, set, or fixed in such waters for the purpose of taking fish except that a net set across a channel may be temporarily moved to accommodate persons engaged in drift netting, provided that no fish are removed and no damage is done to the net moved.

(c) It is unlawful for any person to willfully destroy or injure any buoys, markers, stakes, nets, pots, or other devices on property lawfully set out in the open waters of the State in connection with any fishing or fishery.

(d) Violation of subsections (a), (b), or (c) is a misdemeanor punishable for a first conviction by a fine not to exceed two hundred dollars (\$200.00), by imprisonment not to exceed three months, or by both and punishable for a second or subsequent conviction by a fine not to exceed five hundred dollars (\$500.00), by imprisonment not to exceed one year, or by both.

(e) The Department may, either before or after the institution of any other action or proceeding authorized by this section, institute a civil action for injunctive relief to restrain a violation or threatened violation of subsections (a), (b), or (c) of this section pursuant to G.S. 113-131. The action shall be brought in the superior court of the county in which the violation or threatened violation is occurring or about to occur and shall be in the name of the State upon the relation of the Secretary of Natural Resources and Community Development. The court, in issuing any final order in any action brought pursuant to this subsection may, in its discretion, award costs of litigation including reasonable attorney and expert-witness fees to any party."

Sec. 2. G.S. 113-265 is amended by deleting from the catch line the words "robbing or injuring nets, seines, buoys, etc." and by the repeal of paragraphs (c), (d), and (e).

Sec. 3. Chapter 113 of the General Statutes is amended by adding a new section to read:

"§ 113-295. **Unlawful harassment of persons taking wildlife resources.**—(a) It is unlawful for a person to interfere intentionally with the lawful taking of wildlife resources or to drive, harass, or intentionally disturb any wildlife resources for the purpose of disrupting the lawful taking of wildlife resources. It is unlawful to take or abuse property, equipment, or hunting dogs that are being used for the lawful taking of wildlife resources. This subsection does not apply to a person who incidentally interferes with the taking of wildlife resources while using the land for other lawful activity such as agriculture, mining, or recreation. This subsection also does not apply to activity by a person on land he owns or leases.

Violation of this subsection is a misdemeanor punishable for a first conviction by a fine not to exceed two hundred dollars (\$200.00), by imprisonment not to exceed three months, or by both and punishable for a second or subsequent conviction by a fine not to exceed five hundred dollars (\$500.00), by imprisonment not to exceed one year, or by both.

(b) The Wildlife Resources Commission may, either before or after the institution of any other action or proceeding authorized by this section, institute a civil action for injunctive relief to restrain a violation or threatened violation of subsection (a) of this section pursuant to G.S. 113-131. The action shall be brought in the superior court of the county in which the violation or threatened violation is occurring or about to occur and shall be in the name of the State upon the relation of the Wildlife Resources Commission. The court, in issuing any final order in any action brought pursuant to this subsection may, in its discretion, award costs of litigation including reasonable attorney and expert-witness fees to any party."

Sec. 4. This act shall become effective October 1, 1987.

In the General Assembly read three times and ratified this the 17th day of July, 1987.