

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 514  
Marine Resources & Wildlife Committee Substitute Adopted 5/8/89  
Third Edition Engrossed 5/10/89

Short Title: Stop Bear Trade.

(Public)

Sponsors:

Referred to:

March 20, 1989

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO STUDY THE NEED TO PROHIBIT THE HUNTING OF A BEAR WEIGHING LESS THAN ONE HUNDRED POUNDS AND TO INCREASE THE PENALTIES FOR THE UNLAWFUL TAKING, POSSESSION, TRANSPORTATION, SALE, POSSESSION FOR SALE, OR PURCHASE OF A COUGAR, BEAR, OR BEAR PART.

The General Assembly of North Carolina enacts:

Section 1. The Wildlife Resources Commission shall consult with biologists and hold public hearings to determine whether there is a need to prohibit the hunting, taking, or killing of a bear weighing less than 100 pounds.

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

**§ 113-294. Specific violations.**

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

(b) Any person who unlawfully sells, possesses for sale, or buys any ~~bear, cougar~~ (~~Felis concolor~~), ~~deer, deer~~ or wild turkey is guilty of a misdemeanor. Unless a greater penalty is prescribed for the offense in question, any person convicted under this

1 subsection is punishable by a fine of not less than two hundred fifty dollars (\$250.00) in  
2 addition to such other punishment the court may impose in its discretion.

3 (c) Any person who unlawfully takes, possesses, or transports any ~~bear, cougar~~  
4 ~~(Felis concolor)~~, or wild turkey 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 two hundred fifty dollars (\$250.00) in addition to  
7 such other punishment the court may impose in its discretion.

8 (c1) Any person who unlawfully takes, possesses, transports, sells, possesses for  
9 sale, or buys any bear or bear part is guilty of a misdemeanor. Unless a greater penalty  
10 is prescribed for the offense in question, any person convicted under this subsection is  
11 punishable by a fine of not less than two thousand dollars (\$2,000) or imprisonment not  
12 to exceed one year, or both, in addition to such other punishment the court may impose  
13 in its discretion. Each of the acts specified shall constitute a separate offense.

14 (c2) Any person who unlawfully takes, possesses, transports, sells, possesses for  
15 sale, or buys any cougar (Felis concolor) is guilty of a misdemeanor. Unless a greater  
16 penalty is prescribed for the offense in question, any person convicted under this  
17 subsection is punishable by a fine of not less than ten thousand dollars (\$10,000) or  
18 imprisonment not to exceed two years, or both, in addition to such other punishment as  
19 the court may impose in its discretion.

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

25 (e) Any person who unlawfully takes deer between a half hour after sunset and a  
26 half hour before sunrise with the aid of an artificial light is guilty of a misdemeanor.  
27 Unless a greater penalty is prescribed for the offense in question, any person convicted  
28 under this subsection is punishable by a fine of not less than two hundred fifty dollars  
29 (\$250.00) in addition to such other punishment the court may impose in its discretion.

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

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

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

1 (i) Any person who violates any provision of G.S. 113-291.6, regulating  
2 trapping, is guilty of a misdemeanor. Unless a greater penalty is prescribed for the  
3 offense in question, any person convicted under this subsection is punishable by a fine  
4 of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00),  
5 imprisonment not to exceed 90 days, or both.

6 (j) Any person who takes any fox by unlawful trapping or with the aid of any  
7 electronic calling device 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 fifty dollars (\$50.00) nor more than two hundred  
10 dollars (\$200.00), imprisonment not to exceed 90 days, or both.

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

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

26 (m) Any person who unlawfully takes any migratory game bird with a rifle or an  
27 unplugged or improperly plugged shotgun; or who unlawfully takes any migratory game  
28 bird with the aid of live decoys or any salt, grain, fruit, or other bait; or who unlawfully  
29 takes any migratory game bird during the closed season or during prohibited shooting  
30 hours; or who unlawfully exceeds the bag limits or possession limits applicable to any  
31 migratory game bird is guilty of a misdemeanor. In addition to any other penalty  
32 prescribed in this Subchapter for the offense in question, any person convicted under  
33 this subsection is punishable by a fine of not less than one hundred fifty dollars  
34 (\$150.00) in addition to any other punishment that the court, in its discretion, may  
35 impose."

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