

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 327
SENATE BILL 514

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

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

(c1) Any person who unlawfully takes, possesses, transports, sells, possesses for sale, or buys any bear or bear part 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 two thousand dollars (\$2,000) or imprisonment not to exceed two years, or both, in addition to such other punishment the court may impose in its discretion. Each of the acts specified shall constitute a separate offense.

(c2) Any person who unlawfully takes, possesses, transports, sells, possesses for sale, or buys any cougar (Felis concolor) 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 ten thousand dollars (\$10,000) or imprisonment not to exceed two years, or both, in addition to such other punishment as the court may impose in its discretion.

(d) Any person who unlawfully takes, possesses, or transports any deer 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 one hundred dollars (\$100.00) in addition to such other punishment the court may impose in its discretion.

(e) Any person who unlawfully takes deer between a half hour after sunset and a half hour before sunrise with the aid of an artificial light 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 two hundred fifty dollars (\$250.00) in addition to such other punishment the court may impose in its discretion.

(f) Any person who unlawfully takes, possesses, transports, sells, or buys any beaver, or violates any rule of the Wildlife Resources Commission adopted to protect beavers, 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 two hundred dollars (\$200.00), imprisonment not to exceed 90 days, or both.

(g) Any person who unlawfully takes wild animals or birds from or with the use of a vessel equipped with a motor or with motor attached 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.

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

(i) Any person who violates any provision of G.S. 113-291.6, regulating trapping, 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 two hundred dollars (\$200.00), imprisonment not to exceed 90 days, or both.

(j) Any person who takes any fox by unlawful trapping or with the aid of any electronic calling device 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 two hundred dollars (\$200.00), imprisonment not to exceed 90 days, or both.

(k) Any person who has been convicted of one of the fox offenses listed below who subsequently commits the same or another one of the fox offenses listed below is guilty of a misdemeanor. Unless a greater penalty is prescribed for the offense in question, any person convicted of a second or subsequent fox offense under this subsection is punishable by a fine of not less than two hundred fifty dollars (\$250.00) in

addition to such other punishment the court may impose in its discretion. The fox offenses covered by this subsection are unlawfully selling, possessing for sale, or buying a fox; taking a fox by unlawful trapping; or unlawfully taking a fox with the aid of any electronic calling device.

(l) Any person who unlawfully takes, possesses, transports, sells or buys any bald eagle or golden eagle, alive or dead, or any part, nest or egg of a bald eagle or golden eagle 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 more than one thousand dollars (\$1,000), or imprisonment of not more than one year, or both.

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

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

In the General Assembly read three times and ratified this the 15th day of June, 1989.