

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 186

Short Title: Aquaculture Criminal Penalties.

(Public)

Sponsors: Representatives Jenkins; Beall, Bowman, and Hill.

Referred to: Judiciary III.

February 14, 1994

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT IT IS A CLASS H FELONY TO WILLFULLY DESTROY OR INJURE AN AQUACULTURE FACILITY OR AQUATIC SPECIES BEING REARED IN THE FACILITY, TO STEAL FISH OR AQUATIC SPECIES FROM AN AQUACULTURE FACILITY, OR TO RECEIVE OR POSSESS FISH OR AQUATIC SPECIES STOLEN FROM AN AQUACULTURE FACILITY IF THE VALUE OF THE DAMAGE TO THE FACILITY OR AQUATIC SPECIES IS MORE THAN ONE THOUSAND DOLLARS OR THE VALUE OF THE FISH OR AQUATIC SPECIES STOLEN OR UNLAWFULLY RECEIVED IS MORE THAN ONE THOUSAND DOLLARS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-269(e), as amended by Section 850 of Chapter 539 of the 1993 Session Laws, reads as rewritten:

"(e) (Effective January 1, 1995) Violation of subsections (b) or (c) for fish or aquatic species valued at more than ~~four hundred dollars (\$400.00)~~ one thousand dollars (\$1,000) is punishable under G.S. 14-72. Violation of subsections (b) or (c) for fish or aquatic species valued at ~~four hundred dollars (\$400.00)~~ one thousand dollars (\$1,000) or less is a Class 1 misdemeanor."

Sec. 2. G.S. 113-269(f), as amended by Section 851 of Chapter 539 of the 1993 Session Laws, reads as rewritten:

"(f) (Effective January 1, 1995) Violation of subsection (d) is a Class H felony if the damage to the aquaculture facility or to the aquatic species being reared in an aquaculture facility is value at more than one thousand dollars (\$1,000). Violation of

1 subsection (d) is a Class 1 ~~misdemeanor~~ misdemeanor if the damage is valued at one
2 thousand dollars (\$1,000) or less."

3 Sec. 3. This act becomes effective January 1, 1995, and applies to offenses
4 committed on or after that date.