

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 805

Short Title: Restore Minimum Wildlife Penalties.

(Public)

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Sponsors: Representative Richardson.

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Referred to: Health and Environment.

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April 11, 1995

A BILL TO BE ENTITLED

1 AN ACT TO RESTORE MINIMUM PENALTIES FOR MAJOR WILDLIFE  
2 OFFENSES AND TO MAKE OTHER MINOR REVISIONS TO THE PENALTY  
3 PROVISIONS FOR WILDLIFE OFFENSES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 113-294 reads as rewritten:

6 **"§ 113-294. Specific violations.**

7 (a) Any person who unlawfully sells, possesses for sale, or buys any wildlife is  
8 guilty of a Class 2 misdemeanor, unless a greater penalty is prescribed for the offense in  
9 question.

10 (b) Any person who unlawfully sells, possesses for sale, or buys any deer or wild  
11 turkey is guilty of a Class ~~3-2~~ misdemeanor, unless a greater penalty is punishable by a fine  
12 of not less than two hundred fifty dollars (\$250.00) in addition to such other punishment  
13 prescribed for the offense in question.

14 (c) Any person who unlawfully takes, possesses, or transports any wild turkey is  
15 guilty of a Class ~~3-2~~ misdemeanor, unless a greater penalty is punishable by a fine of not  
16 less than two hundred fifty dollars (\$250.00) in addition to such other punishment  
17 prescribed for the offense in question.

18 (c1) Any person who unlawfully takes, possesses, transports, sells, possesses for  
19 sale, or buys any bear or bear part is guilty of a Class 1 misdemeanor, ~~unless a greater~~  
20

1 ~~penalty is punishable by a fine of not less than two thousand dollars (\$2,000) in addition~~  
2 ~~to such other punishment prescribed for the offense in question. Each of the acts~~  
3 ~~specified shall constitute a separate offense.~~

4 (c2) Any person who unlawfully takes, possesses, transports, sells, possesses for sale,  
5 or buys any cougar (*Felis concolor*) is guilty of a Class 1 misdemeanor, unless a greater  
6 penalty is prescribed for the offense in question.

7 (d) Any person who unlawfully takes, possesses, or transports any deer is guilty of  
8 a Class 3 misdemeanor, ~~unless a greater penalty is punishable by a fine of not less than one~~  
9 ~~hundred dollars (\$100.00) in addition to such other punishment prescribed for the offense~~  
10 ~~in question.~~

11 (e) Any person who unlawfully takes deer between a half hour after sunset and a  
12 half hour before sunrise with the aid of an artificial light is guilty of a Class ~~3-2~~  
13 ~~misdemeanor, unless a greater penalty is punishable by a fine of not less than two hundred~~  
14 ~~fifty dollars (\$250.00) in addition to such other punishment prescribed for the offense in~~  
15 ~~question.~~

16 (f) Any person who unlawfully takes, possesses, transports, sells, or buys any  
17 beaver, or violates any rule of the Wildlife Resources Commission adopted to protect  
18 beavers, is guilty of a Class ~~2-3~~ misdemeanor, unless a greater penalty is prescribed for  
19 the offense in question.

20 (g) Any person who unlawfully takes wild animals or birds from or with the use of  
21 a vessel equipped with a motor or with motor attached is guilty of a Class 2  
22 misdemeanor, unless a greater penalty is prescribed for the offense in question.

23 (h) Any person who willfully makes any false or misleading statement in order to  
24 secure for himself or another any license, permit, privilege, exemption, or other benefit  
25 under this Subchapter to which he or the person in question is not entitled is guilty of a  
26 Class 1 misdemeanor.

27 (i) Any person who violates any provision of G.S. 113-291.6, regulating trapping,  
28 is guilty of a Class 2 misdemeanor, unless a greater penalty is prescribed for the offense  
29 in question.

30 (j) Any person who takes any fox by unlawful trapping or with the aid of any  
31 electronic calling device is guilty of a Class 2 misdemeanor, unless a greater penalty is  
32 prescribed for the offense in question.

33 ~~(k) Any person who has been convicted of one of the fox offenses listed below~~  
34 ~~who subsequently commits the same or another one of the fox offenses listed below is~~  
35 ~~guilty of a Class 3 misdemeanor, unless a greater penalty is prescribed for the offense in~~  
36 ~~question. The fox offenses covered by this subsection are unlawfully selling, possessing~~  
37 ~~for sale, or buying a fox; taking a fox by unlawful trapping; or unlawfully taking a fox~~  
38 ~~with the aid of any electronic calling device.~~

39 (l) Any person who unlawfully takes, possesses, transports, sells or buys any bald  
40 eagle or golden eagle, alive or dead, or any part, nest or egg of a bald eagle or golden  
41 eagle is guilty of a Class 1 misdemeanor, unless a greater penalty is prescribed for the  
42 offense in question.

1 (m) Any person who unlawfully takes any migratory game bird with a rifle; or who  
2 unlawfully takes any migratory game bird with the aid of live decoys or any salt, grain,  
3 fruit, or other bait; or who unlawfully takes any migratory game bird during the closed  
4 season or during prohibited shooting hours; or who unlawfully exceeds the bag limits or  
5 possession limits applicable to any migratory game ~~bird~~-bird; or who violates any of the  
6 migratory game bird permit or tagging rules of the Wildlife Resources Commission is  
7 guilty of a Class 3 ~~misdemeanor~~-2 misdemeanor, punishable by a fine of not less than one  
8 hundred dollars (\$100.00) in addition to any other punishment prescribed for the offense  
9 in question."

10 Sec. 2. G.S. 113-294 is amended by adding a new subsection to read:

11 "(n) Any person who violates any rule of the Wildlife Resources Commission that  
12 restricts access by vehicle on game lands to qualified and permitted persons with  
13 disabilities shall be guilty of a Class 2 misdemeanor and shall be fined not less than one  
14 hundred dollars (\$100.00) in addition to any other punishment prescribed for the  
15 offense."

16 Sec. 3. G.S. 113-135(a) reads as rewritten:

17 "(a) Any person who violates any provision of this Subchapter or any rule adopted  
18 by the Marine Fisheries Commission or the Wildlife Resources Commission, as  
19 appropriate, pursuant to the authority of this Subchapter, is guilty of a misdemeanor  
20 except that punishment for violation of the rules of the Wildlife Resources Commission is  
21 limited as set forth in G.S. 113-135.1. Unless a different level of punishment is  
22 elsewhere set out, anyone convicted of a misdemeanor under this section is punishable as  
23 follows:

24 (1) For a first conviction, as a Class 3 misdemeanor.

25 (2) For a second or subsequent conviction within ~~one year~~, three years, as a  
26 Class 2 misdemeanor."

27 Sec. 4. This act becomes effective October 1, 1995.