

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 933
SENATE BILL 110

AN ACT TO PROHIBIT SETTING OR USING TRAP OF LEG-GRIPPING, STEEL-JAWED
OR CONNIBEAR TYPE FOR THE CAPTURING OF ANIMALS OR BIRDS IN NORTH
CAROLINA.

Whereas, it is of general concern to the people of our State that no animals be needlessly or brutally killed or permanently maimed; and

Whereas, because many kinds of relatively humane traps for animals are now available; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. No person shall set any trap of any kind or description, or otherwise attempt to set any trap of any kind or description, or attempt to trap any animal on lands other than his own, unless the person setting or attempting to set such trap, or attempting to trap such animal, has in his possession a written permission, dated within one calendar year, from the owner or owners or its, his, hers or their agent of the land where such act occurs granting permission to trap thereon. Provided, however, the provisions of this section shall not apply to all public lands where trapping is not specifically prohibited; this shall include tidelands, marshlands and any other untitled land.

Sec. 2. No person shall set any trap, or attempt to set any trap known as "steel-jaw", "leghold" or "connibear", unless it is manufactured or modified so that it:

- (1) has a jaw spread of not more than seven and one-half inches;
- (2) is horizontally offset with closed jaw spread of at least three-sixteenths of an inch for a trap with a jaw spread of more than five and one-half inches;
- (3) is smooth edged and without teeth or spikes;
- (4) if set on dry land with solid anchor, shall not have attached thereto a trap chain exceeding eight inches from trap to anchor without having a shock absorbing device approved by the Wildlife Resources Commission, and in no event shall any trap chain exceed two feet in length;
- (5) has tag attached giving the owner's name and address.

Sec. 3. Traps may be set in the following manner notwithstanding any provisions of Section 2:

- (1) if set in the water with quick drown type of set, then "offset" in paragraph (2) of Section 2 will not apply; and
- (2) trap number 330 of the connibear type or size may only be set in the water and in areas where beaver and otter may be legally trapped.

Sec. 4. Provided that nothing in this act shall prohibit the use of steel or metal jaw traps by County or State Public Health Officials or their designated agents in order to control the spread of disease when the use of such steel or metal jaw traps has been declared necessary by the Department of Human Resources.

Sec. 5. No person shall set or otherwise use any trap so that animals or birds when caught will be suspended. No hook of any type shall be used to trap wild animals or birds. All traps of the "connibear" (size 330) must be set in the water, and

- (1) water set for the purpose of this act is defined as a trap set totally covered by water and the anchor secured in water deep enough to quickly drown the animal trapped, and
- (2) for the purpose of this act traps set in areas of tidal waters, the mean high water will be considered as covering water, and in reservoir areas covering water is the low water level prevailing during the preceding twenty-four hours,
- (3) for the purpose of this act marshland is not considered dry land.(Marshland is defined in G.S. 113-229(n)(3).)

Sec. 6. The Wildlife Resources Commission shall include requirements for lawful traps in its annual digest of hunting and trapping regulations which is provided to each person upon purchase of a license.

Sec. 7. No person shall remove any legally placed trap or remove any furbearing animal from any trap other than his own, set in compliance with the provisions of this act, unless with the express permission of the owner of the trap.

Sec. 8. Any person violating any provision of this act is guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) or imprisoned for not more than 90 days, or both fined and imprisoned. The court, in its wisdom and judgment, may revoke the trapping license of any person who flagrantly or repeatedly (two or more times) violates the provisions of this act.

Sec. 9. Any officer or wildlife protector authorized to enforce the provisions of this act, who in the lawful pursuit of his duties has probable cause for believing he has discovered a violation of this act, or any other trapping act, may seize any animal, bird, trap or pelt used in connection with such violation, and such property shall be delivered to the court. Upon conviction of any provision of this act, the court may order that said trap, animal, bird or pelt be confiscated and disposed of as the court may require.

Sec. 10. This act shall become effective July 1, 1977.

In the General Assembly read three times and ratified, this the 1st day of July, 1977.