

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 327
SENATE BILL 194

AN ACT TO REWRITE CERTAIN OF THE FOREST LAWS OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. Article 4 of Chapter 113 of the General Statutes is amended to add a new section to read as follows:

"§ 113-53.1. Forest laws defined. – The forest laws consist of:

- (1) G.S. 14-136 to G.S. 14-140;
- (2) Articles 2, 4, 4A, 4C, and 6A of this Chapter;
- (3) G.S. 77-13 and G.S. 77-14;
- (4) Other statutes enacted for the protection of forests and woodlands from fire, insects, or disease and concerning obstruction of streams and ditches in forests and woodlands; and
- (5) Regulations and ordinances adopted under the authority of the above statutes."

Sec. 2. G.S. 113-54 as the same appears in Replacement Volume 1978 of Volume 3A, Part II of the General Statutes, is amended on lines 10 and 11 by deleting the words "for the purposes set out in Articles 4, 4A and 6A of this Chapter"; and is further amended on lines 28 and 34 by deleting the words "Articles 4, 4A and 6A" and substituting therefor the words "Articles 4, 4A, 4C and 6A".

Sec. 3. G.S. 113-55 is amended to add at the end of the caption: "; authority to issue citations and warning tickets", to designate the present text of the section as subsection (a), and to add a new subsection to read as follows:

"(b) Forest rangers are authorized to issue and serve citations under the terms of G.S. 15A-302 and warning tickets under the terms of G.S. 113-55.2 for offenses under the forest laws. This subsection may not be interpreted to confer the power of arrest on forest rangers, and does not make them criminal justice officers within the meaning of G.S. 17C-2."

Sec. 4. G.S. 15A-302(a) is amended to read as follows:

"(a) Definition. A citation is a directive, issued by a law enforcement officer or other person authorized by statute, that a person appear in court and answer criminal charges."

Sec. 5. G.S. 113-55.1 is amended to rewrite the third sentence to read as follows: "Forest law enforcement officers shall, in addition to their other duties, have the powers of peace officers to enforce the forest laws."

Sec. 6. Article 4 of Chapter 113 of the General Statutes is amended to add a new section to read as follows:

"§ 113-55.2. Warning tickets for violations of the forest laws. – (a) To encourage the cooperation of the public in achieving the objectives of the forest laws, the Secretary may provide for the issuance of warning tickets instead of the initiation of criminal prosecution by forest rangers and forest law enforcement officers. Issuance of the warning tickets shall be in accordance with criteria administratively promulgated by the Secretary within the requirements of this section. Such criteria are not rules as defined under Articles 2 and 5 of Chapter 150A of the General Statutes.

(b) No warning ticket may be issued unless all of the following conditions are met:

- (1) The forest ranger or the forest law enforcement officer must be convinced that the offense was not committed intentionally.
- (2) The offense is not one, or a type of offense, for which the Secretary has prohibited the issuance of warning tickets.
- (3) At the time of the violation it was not reasonably foreseeable that the conduct of the offender could result in any significant destruction of forests or woodlands or constitute a hazard to the public.

(c) A warning ticket may not be issued if the offender has previously been charged with, or issued a warning ticket for, the same or a similar offense within the preceding three years. A list of persons who have been issued warning tickets under this section within the preceding three years shall be maintained and periodically updated by the Secretary.

(d) This section does not entitle any person who has committed an offense to the right to be issued a warning ticket, and the issuance of a warning ticket does not prohibit the later initiation of criminal prosecution for the same offense for which the warning ticket was issued."

Sec. 7. This act shall become effective July 1, 1983.

In the General Assembly read three times and ratified, this the 18th day of May, 1983.