

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 209
HOUSE BILL 805

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

The General Assembly of North Carolina enacts:

Section 1. 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 Class 2 misdemeanor, unless a greater penalty is prescribed for the offense in question.

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

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

(c1) Any person who unlawfully takes, possesses, transports, sells, possesses for sale, or buys any bear or bear part is guilty of a Class 1 misdemeanor, ~~unless a greater penalty is punishable by a fine of not less than two thousand dollars (\$2,000) in addition to such other punishment~~ prescribed for the offense in question. 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 Class 1 misdemeanor, unless a greater penalty is prescribed for the offense in question.

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

(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 Class ~~3~~2 misdemeanor, ~~unless a greater penalty is punishable by a fine of not less than two hundred fifty dollars (\$250.00) in addition to such other punishment~~ prescribed for the offense in question.

(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 Class 2-3 misdemeanor, unless a greater penalty is prescribed for the offense in question.

(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 Class 2 misdemeanor, unless a greater penalty is prescribed for the offense in question.

(h) Any person who willfully 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 Class 1 misdemeanor.

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

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

~~(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 Class 3 misdemeanor, unless a greater penalty is prescribed for the offense in question. 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 Class 1 misdemeanor, unless a greater penalty is prescribed for the offense in question.

(m) Any person who unlawfully takes any migratory game bird with a rifle; 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~~ bird; or who violates any of the migratory game bird permit or tagging rules of the Wildlife Resources Commission is guilty of a Class ~~3 misdemeanor~~ 2 misdemeanor, punishable by a fine of not less than one hundred dollars (\$100.00) in addition to any other punishment prescribed for the offense in question."

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

"(n) Any person who violates any rule of the Commission that restricts access by vehicle on game lands to a person who holds a special vehicular access identification card and permit issued by the Commission to persons who have a handicap that limits physical mobility shall be guilty of a Class 2 misdemeanor and shall be fined not less than one hundred dollars (\$100.00) in addition to any other punishment prescribed for the offense."

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

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

- (1) For a first conviction, as a Class 3 misdemeanor.
- (2) For a second or subsequent conviction within ~~one year~~, three years, as a Class 2 misdemeanor."

Sec. 4. This act becomes effective 1 October 1995, and applies to offences committed on or after that date.

In the General Assembly read three times and ratified this the 8th day of June, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives