

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 909

Short Title: Sampson Road Hunting.

(Local)

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Sponsors: Representative Bowen.

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Referred to: Basic Resources.

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March 27, 1989

A BILL TO BE ENTITLED

AN ACT TO REGULATE HUNTING FROM THE RIGHTS-OF-WAY OF STATE-  
MAINTAINED ROADS IN SAMPSON COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Except as provided in Section 5 of this act, it is unlawful to hunt, take, or kill any wild animal or wild bird or to attempt to take any wild animal or wild bird from, on, or across the right-of-way of a State-maintained road, unless the person doing the hunting, taking, or killing owns or possesses a leasehold interest in real property situated on either side of the road, or has permission from the owner or lessee of real property situated on either side of the road to hunt on that real property.

Sec. 2. Except as provided in Section 5 of this act, it is unlawful to hunt, take, or kill any wild animal or wild bird or to attempt to hunt, take, or kill any wild animal or wild bird from, on, or across the right-of-way of a State-maintained road with a rifle, except from an elevated position from which the rifle will be a minimum of eight feet above ground level. The fact that a person charged with violating this section owns or possesses a leasehold interest in real property situated on either side of the road, or has permission from the owner or lessee of property situated on either side of the road to hunt on that real property is not a defense to a charge under this section.

Sec. 3. Except as provided in Section 5 of this act, it is unlawful to hunt, take, or kill any wild animal or wild bird or to attempt to hunt, take, or kill any wild animal or wild bird from, on, or across the right-of-way of a State-maintained road within 200 yards of a school, church, business, or public entity. The fact that a person charged with violating this section owns or possesses a leasehold interest in real property situated on either side of the road, or has permission from the owner or lessee

1 of property situated on either side of the road to hunt on that real property is not a  
2 defense to a charge under this section.

3           Sec. 4. Except as provided in Section 5 of this act, it is unlawful to hunt,  
4 take, or kill any wild animal or wild bird or to attempt to hunt, take, or kill any wild  
5 animal or wild bird from, on, or across the right-of-way of a State-maintained road  
6 within 200 yards of the residence of another, unless the person lawfully occupying the  
7 residence has given the person specific written permission to hunt within 200 yards of  
8 the residence. If the owner or lessee of the real property situated on either side of the  
9 right-of-way in question is not the owner of the residence, permission must be obtained  
10 from that owner or lessee to hunt on that real property as well. The fact that a person  
11 charged with violating this section owns or possesses a leasehold interest in real  
12 property situated on either side of the road is not a defense to a charge under this  
13 section.

14           Sec. 5. Sections 1 through 4 of this act shall not apply to the taking of foxes  
15 during open season for taking foxes with weapons and traps as provided for by  
16 regulation by the Wildlife Resources Commission.

17           Sec. 6. Violation of this act is a misdemeanor punishable for a first  
18 conviction by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars  
19 (\$50.00) or by imprisonment not to exceed 30 days, and punishable for a second or  
20 subsequent conviction within three years by a fine of not less than fifty dollars (\$50.00)  
21 nor more than two hundred dollars (\$200.00), by imprisonment not to exceed 90 days,  
22 or both.

23           Sec. 7. This act is enforceable by law enforcement officers of the Wildlife  
24 Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with  
25 general subject matter jurisdiction.

26           Sec. 8. This act applies only to Sampson County.

27           Sec. 9. This act shall become effective October 1, 1989, and shall apply to  
28 offenses occurring on or after that date.