

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2008-205
HOUSE BILL 2768**

AN ACT TO AMEND THE LAW PROHIBITING HUNTING AND FISHING ON PRIVATE PROPERTY IN ORANGE COUNTY WITHOUT WRITTEN PERMISSION FROM THE LANDOWNER OR LESSEE, TO INCREASE THE FEES COLLECTED FROM PARTICIPANTS IN THE DISABLED SPORTSMAN PROGRAM ADMINISTERED BY THE WILDLIFE RESOURCES COMMISSION, AND TO PROVIDE THAT HOLDERS OF HUNTING AND FISHING LICENSES ISSUED TO THE DISABLED ARE ELIGIBLE TO PARTICIPATE IN THE DISABLED SPORTSMAN PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 1 of S.L. 2007-264 reads as rewritten:

"SECTION 1. It is unlawful to take wildlife or attempt to take wildlife on the land of another, or to fish on the land of another, without having on one's person while hunting or fishing the written permission, signed and dated for the current hunting or fishing season, of the landowner or lessee, or the landowner's or lessee's designee. The written permission shall not be valid for more than one year and may be valid for a shorter period stated in the permission. The written permission shall be displayed upon request of any law enforcement officer of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other law enforcement officers with general subject matter jurisdiction. A person shall have written permission to hunt or fish for purposes of this act if a landowner or lessee has granted permission to a hunting club to hunt or fish on the person's land and the person is carrying both a current membership card demonstrating the person's membership in the hunting club and a copy of valid written permission granted to the hunting club that complies with the requirements of this act."

SECTION 1.(b) This section applies only to Orange County.

SECTION 2. G.S. 113-296 reads as rewritten:

"§ 113-296. Disabled Sportsman Program.

(a) The Disabled Sportsman Program is established, to be developed and administered by the Wildlife Resources Commission. The Disabled Sportsman Program shall consist of special hunting and fishing activities adapted to the needs of persons with the disabilities described in subsection (b) of this section.

(b) In order to be eligible for participation in the Disabled Sportsman Program established by this section, an individual must be a holder of a Resident Disabled Veteran or Resident Totally Disabled license or must be able to certify through competent medical evidence one of the following disabilities:

- (1) Missing fifty percent (50%) or more of one or more limbs, whether by amputation or natural causes.
- (2) Paralysis of one or more limbs.
- (3) Dysfunction of one or more limbs rendering the individual unable to perform the tasks of grasping and lifting with the hands and arms or unable to walk without mechanical assistance, other than a cane.
- (4) Disease, injury, or defect confining the individual to a wheelchair, walker, or crutches.
- (5) Legal deafness.
- (6) Legal blindness, for purposes of participation in disabled fishing only.

The disability must be permanent, and an individual loses eligibility to participate in the Disabled Sportsman Program when the specified disability ceases to exist.

(c) A person who qualifies under subsection (b) of this section may apply for participation in the Disabled Sportsman Program by completing an application supplied by the Wildlife Resources Commission and by supplying the medical evidence necessary to confirm the person's disability. In order to participate in activities under the Program, each disabled participant may be accompanied by an able-bodied companion, who may also participate in the hunting, fishing, or other activity. The Commission shall charge each disabled participant an application fee of ~~five dollars (\$5.00) for each special hunt for disabled persons for which the disabled hunter applies not to exceed ten dollars (\$10.00) annually~~ ten-dollars (\$10.00) to defray the cost of processing the application and administering the special activities provided under the Program. An applicant may apply for any or all available Disabled Sportsman hunts at the time of application for a single fee. Any subsequent applications shall be accompanied by an additional ten-dollar (\$10.00) application fee. The participant and the participant's companion shall also obtain any applicable hunting, fishing, or other special license required for the activities.

(d) In developing the Disabled Sportsman Program, the Wildlife Resources Commission shall:

- (1) Establish special seasons and bag limits for hunting all or selected species of wildlife;
- (2) Authorize the manner for taking wildlife, consistent with State law;
- (3) Permit the use of vehicles and other means of conveyance in areas normally closed to such use;
- (4) Set special fishing seasons and size and creel limits for inland fish; and
- (5) Permit the use of crossbows or other specially equipped bows by persons incapable of arm movement sufficient to operate a longbow, recurve bow, or compound bow, but only during a season for hunting with bow and arrow and only during a special hunt organized and supervised by the Wildlife Resources Commission for the Disabled Sportsman Program; and
- (6) Alter any other established rules of the Wildlife Resources Commission pertaining to hunting, fishing, or special activities, as generally applicable or as applicable to game lands, for the purpose of providing access to disabled persons participating in the Disabled Sportsman Program.

The Wildlife Resources Commission may use its game lands for purposes of conducting special activities for the Disabled Sportsman Program, and may enter into agreements with other landholders for purposes of conducting special activities on private lands.

(e) The Wildlife Resources Commission may establish special activities under the Disabled Sportsman Program for any class or classes of disability described in subsection (b) of this section. The Commission shall publicize these activities through the public media and in the Commission's publications to ensure that disabled persons are notified of the activities and informed about the application process.

(f) The Wildlife Resources Commission shall hold at least four special hunting activities under the Disabled Sportsman Program per calendar year. The Commission shall alternate the location of these special activities so as to provide equal access to disabled persons in all regions of the State."

SECTION 3. Section 1 of this act becomes effective October 1, 2008, and applies to offenses committed on or after that date. Section 2 of this act becomes effective July 1, 2008. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 15th day of July, 2008.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 9:27 a.m. this 9th day of August, 2008