

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 429

Short Title: Hunting Protection Act. (Public)

Sponsors: Senators Jackson; Allran, Atwater, Bingham, Blake, Brock, Brown, Clary, Daniel, Davis, East, Forrester, Harrington, Hise, Newton, Pate, Preston, Rabon, Rouzer, Tillman, and Tucker.

Referred to: Agriculture/Environment/Natural Resources.

March 28, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE TRESPASSING TO HUNT IN ORDER TO PROTECT
3 RESPONSIBLE HUNTERS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The title of Article 22A of Chapter 14 of the General Statutes reads
6 as rewritten:

7 "Article 22A.

8 Trespassing Upon "~~Posted~~" Property to Hunt, Fish, Trap, or Remove Pine Needles/Straw."

9 **SECTION 2.** G.S. 14-159.6 reads as rewritten:

10 "**§ 14-159.6. Trespass upon "posted" land for purposes of hunting, etc., without written
11 consent a misdemeanor.**

12 (a) Any person who willfully goes on the land, waters, ponds, or a legally established
13 waterfowl blind of another upon which notices, signs or posters prohibiting hunting, fishing or
14 trapping have been placed in accordance with the provisions of G.S. 14-159.7, or upon which
15 "posted" notices have been placed in accordance with the provisions of G.S. 14-159.7, to hunt,
16 fish or trap without the written consent of the owner or his agent shall be guilty of a Class 2
17 misdemeanor. Provided, further, that no arrests under authority of this subsection shall be made
18 without the consent of the owner or owners of said land, or their duly authorized agents in the
19 following counties: Halifax and Warren.

20 It is not a violation of this subsection for a hunter who is lawfully hunting on land adjacent
21 to land posted in accordance with the provisions of G.S. 14-159.7 to enter that posted land, if
22 the land is not fenced, for the sole purpose of retrieving hunting dogs that have strayed onto
23 that land, so long as the hunter does not carry a firearm or bow and arrow onto the property or
24 operate a motorized vehicle on the property.

25 Any person convicted of violating this subsection by going on posted land carrying a
26 firearm or bow and arrow, or operating a motorized vehicle, shall forfeit the firearm, bow and
27 arrow, or motorized vehicle upon order of the court.

28 (b) Any person who willfully goes on the land of another upon which notices, signs, or
29 posters prohibiting raking or removing pine needles or pine straw have been placed in
30 accordance with the provisions of G.S. 14-159.7, or upon which "posted" notices have been
31 placed in accordance with the provisions of G.S. 14-159.7, to rake or remove pine needles or
32 pine straw without the written consent of the owner or his agent shall be guilty of a Class 1
33 misdemeanor."

34 **SECTION 3.** Article 22A of Chapter 14 of the General Statutes is amended by
35 adding a new section to read:



1 **"§ 14-159.6A. Trespass upon land that has not been posted for purposes of hunting.**

2 (a) Any person who willfully goes on the land of another to hunt, or willfully releases
3 hunting dogs on the land of another, without having on his or her person the written consent of
4 the owner or lessee or the agent of the owner or lessee, shall be guilty of a Class 2
5 misdemeanor, punishable for a first offense by imprisonment for up to 30 days and a fine of up
6 to five hundred dollars (\$500.00), and punishable for a second or subsequent offense, or an
7 offense involving the use of a motorized vehicle, by imprisonment for up to 45 days and a fine
8 of up to one thousand dollars (\$1,000).

9 (b) Written consent sufficient to satisfy the requirements of this section shall be signed
10 by the owner or lessee, or the agent of the owner or lessee, and dated within the last 12 months.
11 Such written consent shall be displayed upon request of any law enforcement officer of the
12 Wildlife Resources Commission, a sheriff or deputy sheriff, or any law enforcement officer
13 with general subject matter jurisdiction. A person also has written consent sufficient to satisfy
14 the requirements of this section if the landowner or lessee or the agent of the landowner or
15 lessee has granted permission to a hunting club to hunt on the land and the person is carrying
16 both a current membership card demonstrating the person's membership in the hunting club and
17 an entry permit or other document confirming that permission has been granted to the hunting
18 club to hunt the land."

19 **SECTION 4.** This act becomes effective October 1, 2011, and applies to acts
20 committed on or after that date.