

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 911*

Short Title: Uniform Roadside Hunting.

(Public)

Sponsors: Senators Marshall; Ballance and Carpenter.

Referred to: Agriculture, Marine Resources, and Wildlife.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH UNIFORMITY IN THE REGULATION OF ROADSIDE HUNTING.

Whereas, recreational hunting is an essential wildlife management tool and a long-standing North Carolina tradition; and

Whereas, recreational hunting is encountering increasing opposition from antihunting groups and other sectors of the public concerned with public safety; and

Whereas, hunters engaged in road hunting are all too visible to opponents of recreational hunting, and in many states this visibility is being used by antihunting groups to advance bans on hunting; and

Whereas, there are currently over 90 laws in the State of North Carolina regulating roadside hunting; and

Whereas, the N.C. Wildlife Resources Commission reports that a lack of uniform roadside hunting legislation has resulted in complaints from the general public and has produced confusion among hunters in the State; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Chapter 113 of the General Statutes is amended by adding a new section to read:

"§ 113-291.10. Hunting from roadways and rights-of-way of public roads and highways.

(a) It is unlawful to do any of the following from, on, or across the right-of-way of any publicly maintained road, street, or highway open to vehicular traffic in this State:

1 (1) To hunt, take, or kill any wild animal or wild bird with the use of
2 firearms; or

3 (2) To attempt to hunt, take, or kill any wild animal or wild bird with the
4 use of firearms; or

5 (3) To otherwise shoot or discharge any type of firearm.

6 (b) It is **prima facie** evidence of a violation of this section to possess a loaded
7 firearm outside of a vehicle, during the season for hunting a game bird or game animal
8 with firearms, on the roadway or right-of-way of a publicly maintained road, street, or
9 highway open to vehicular traffic in this State.

10 (c) This act shall not apply to discharge of firearm in defense of persons or
11 property, to law enforcement officers or members of the armed forces acting in the line
12 of duty, or to the discharge of firearms pursuant to the lawful direction of law
13 enforcement officers."

14 Sec. 2. To the extent that this act conflicts with any provision of any local
15 act, this act prevails.

16 Sec. 3. Prosecutions for offenses occurring before the effective date of this
17 act are not abated or affected by this act, and the laws and statutes that would be
18 applicable but for this act remain applicable to those prosecutions.

19 Sec. 4. This act becomes effective October 1, 1993.