

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 678

Short Title: Hunter Criminal Negligence.

(Public)

Sponsors: Senator Simpson.

Referred to: Agriculture, Marine Resources, and Wildlife.

April 18, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH PENALTIES FOR THE CRIMINALLY NEGLIGENT  
3 USE OF A FIREARM WHILE HUNTING.

4 The General Assembly of North Carolina enacts:

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

7 **“ARTICLE 21B.**

8 **“CRIMINALLY NEGLIGENT HUNTING.**

9 **“§ 113-290. Unlawful use of firearms.**

10 It is unlawful for any person, while hunting or taking wild animals or wild birds as  
11 those terms are defined in G.S. 113-129 and G.S. 113-130, to use a firearm without due  
12 caution or circumspection, or in a manner demonstrating a thoughtless disregard of the  
13 consequences or a heedless indifference to the safety of others.

14 **“§ 113-290.1. Penalties.**

15 (a) A person who violates the provisions of this Article is guilty of a  
16 misdemeanor punishable as follows:

17 (1) If no personal injury or property damage results from the unlawful  
18 activity, a fine of not more than one hundred dollars (\$100.00) or  
19 imprisonment not to exceed 30 days, or both, in the discretion of the  
20 court;

21 (2) If property damage only results from the unlawful activity, a fine of  
22 not less than two hundred fifty dollars (\$250.00) nor more than one  
23 thousand dollars (\$1,000) or imprisonment not to exceed 60 days, or

1           both, in the discretion of the court, and the court shall order the  
2           payment of restitution to the property owner;

3           (3) If bodily injury not leading to the disfigurement or total or partial  
4           permanent disability of another person results from the unlawful  
5           activity, a fine of not less than five hundred dollars (\$500.00) nor more  
6           than two thousand dollars (\$2,000) or imprisonment for not more than  
7           two years, or both, in the discretion of the court; if property damage  
8           also results from the unlawful activity, the court shall order the  
9           payment of restitution to the property owner;

10          (4) If bodily injury leading to the disfigurement or total or partial  
11          permanent disability of another person results from the unlawful  
12          activity, a fine of not less than seven hundred fifty dollars (\$750.00)  
13          nor more than two thousand dollars (\$2,000), and imprisonment for  
14          not less than 15 days nor more than two years; if property damage also  
15          results from the unlawful activity, the court shall order the payment of  
16          restitution to the property owner.

17          (5) If death results from the unlawful activity, a fine of not less than one  
18          thousand dollars (\$1,000) nor more than two thousand dollars  
19          (\$2,000), and imprisonment for not less than 30 days nor more than  
20          two years; if property damage also results from the unlawful activity,  
21          the court shall order the payment of restitution to the property owner.

22          (b) The fact that a person was impaired at the time of a violation of this Article  
23          shall be an aggravating factor and the court shall impose an additional fine and/or  
24          imprisonment in accordance with (a)(3) above in cases resulting in no bodily injury or  
25          in accordance with (a)(5) above in cases resulting in bodily injury. For purposes of this  
26          section, 'impaired' means being under the influence of an impairing substance, or  
27          having consumed sufficient alcohol so that the person has, at any relevant time after the  
28          offense, an alcohol concentration of .10 or above.

29          (c) In addition to the penalties provided in (a), upon conviction of a violation of  
30          this Article, the Wildlife Resources Commission shall suspend all hunting privileges of:

31                 (1) A person convicted under (a)(1) or (a)(2) for one year;

32                 (2) A person convicted under (a)(3) for three years; and

33                 (3) A person convicted under (a)(4) or (a)(5) for five years.

34          (d) A person convicted of hunting or taking wild animals or wild birds while his  
35          hunting license is suspended pursuant to this section shall be fined not less than five  
36          hundred dollars (\$500.00) nor more than two thousand dollars (\$2,000), or imprisoned  
37          for not more than two years, or both, and shall have all hunting privileges suspended for  
38          an additional five years. The person may not be issued another hunting license until he  
39          has satisfactorily completed the hunter safety course established in G.S. 113-270.1A.

40          (e) This Article may be enforced by law enforcement officers of the Wildlife  
41          Resources Commission, by sheriffs and deputy sheriffs, and by peace officers with  
42          general subject matter jurisdiction."

43                 Sec. 2. This act becomes effective October 1, 1991.