

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS85355-LL-291 (05/12)

Short Title: Rockingham/Hunting on Private Land.

(Local)

Sponsors: Senator Berger of Rockingham.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REGULATE HUNTING, FISHING, AND TRAPPING ON PRIVATE LAND IN
ROCKINGHAM COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) It is unlawful to enter upon private lands of another to hunt, fish, or trap with a firearm, crossbow, bow and arrow, or fishing or trapping equipment, or to possess such items upon the lands of another, without the permission of the owner or lessee of that land, as provided in this section. For land posted in accordance with the provisions of this act or G.S. 14-159.7, written permission is required, in the form described in this section. For nonposted lands, verbal permission is required.

SECTION 1.(b) The written permission required by this section shall state the date the permission is given, the person to whom the permission is given, and the owner or lessee of the land, and such written permission shall not be valid for a period in excess of one year, but may be valid for any shorter period stated in the permission.

SECTION 1.(c) The written permission required by this act shall be carried on the person at all times when the person enters the property of another to hunt, fish, or trap, or with the intent to hunt, fish, or trap. The written permission shall be displayed upon request to any law enforcement officer authorized to enforce this act.

SECTION 1.(d) If written permission to hunt is given to a hunt club by the owner or the lessee of land, each member of the hunt club shall carry a copy of the written permission along with a certification from the hunt club designating the person to be a member of that hunt club. Such written permission shall not be valid for a period in excess of one year, but may be valid for any shorter period stated in the permission.

SECTION 1.(e) Valid written permission under subsections (b) through (d) of this section may include permission to a named individual and a specified number of guests of that individual. Written permission is not required for the spouse and children of the owner or lessee of the land.

SECTION 1.(f) Landowners may, but are not required to, post their property by the methods specified in G.S. 14-159.7, or by placing identifying aluminum reflective paint marks on trees or posts at each road entrance and at such intervals as may be readily visible to persons approaching the property. If paint marks are used, those paint marks shall be at least two inches in width and eight inches in length, and the center of the mark shall be from three to six feet from the ground.



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1 **SECTION 1.(g)** No person shall mutilate, destroy, or take down any "posted," "no
2 hunting," or similar sign on the lands or waters of another without the consent of the landowner
3 or lessee, and violations are punishable under G.S. 14-159.8.

4 **SECTION 1.(h)** Violation of this section as to posted land is a Class 3
5 misdemeanor and is punishable for a first offense by a fine of not more than two hundred fifty
6 dollars (\$250.00) and for a second or subsequent offense by a fine of not more than two
7 hundred fifty dollars (\$250.00) or by imprisonment for 30 days, or both. Violation of this
8 section as to nonposted land is a Class 3 misdemeanor and is punishable for a first offense by a
9 fine of not more than one hundred twenty-five dollars (\$125.00) and for a second or subsequent
10 offense by a fine of not more than one hundred twenty-five dollars (\$125.00) or by
11 imprisonment not exceeding 30 days, or both.

12 **SECTION 1.(i)** It is not a violation of this act for a hunter to retrieve a hunting dog
13 that has strayed upon land that the hunter does not possess permission to hunt on so long as the
14 hunter does not enter the property with a firearm or other hunting weapon. This subsection
15 does not excuse repeated instances of dog retrieval without permission of the landowner.

16 **SECTION 2.(a)** It is unlawful to hunt upon the land of another while under the
17 influence of alcohol. A person shall be deemed to be under the influence if that person has a
18 blood alcohol concentration of .01 or greater as measured by an Alcosensor or any alcohol
19 screening device approved by the Department of Health and Human Services for use by law
20 enforcement officers in making on-the-scene tests of persons for alcohol concentration.
21 Refusal to submit to a test shall be admissible as evidence in court.

22 **SECTION 2.(b)** It is unlawful to hunt upon the land of another while under the
23 influence of any impairing substance other than alcohol by virtue of consuming a sufficient
24 quantity of that substance so as to cause loss of normal control of bodily or mental faculties, or
25 both, to such an extent that there is an appreciable impairment of either or both of these
26 faculties. A person shall be deemed to be so impaired if that person tests positive for any
27 amount of a Schedule I controlled substance under G.S. 90-89 or its metabolites in the person's
28 blood or urine.

29 **SECTION 2.(c)** Violation of this section is a Class 2 misdemeanor and is
30 punishable by a fine of not more than five hundred dollars (\$500.00) and imprisonment from 30
31 days to six months, or both. Any person convicted of violating this section shall also be
32 ordered to complete a hunter safety course approved by the Wildlife Resources Commission as
33 described in G.S. 113-270.1A(b).

34 **SECTION 3.** This act is enforceable by law enforcement officers of the Wildlife
35 Resources Commission, by sheriffs and deputy sheriffs, and by other law enforcement officers
36 with general subject matter jurisdiction.

37 **SECTION 4.** This act applies only to Rockingham County.

38 **SECTION 5.** This act becomes effective October 1, 2010, and applies to offenses
39 committed on or after that date.