



SENATE BILL 647: Amend Trapping Law

2015-2016 General Assembly

Committee:	Senate Finance	Date:	September 18, 2015
Introduced by:	Sens. Sanderson, B. Jackson	Prepared by:	Chris Saunders
Analysis of:	PCS to Fourth Edition S647-CSTQ-31 [v.2]		Staff Attorney

SUMMARY: *The Proposed Committee Substitute (PCS) to Senate Bill 647 would amend the laws governing trapping to allow Conibear type traps to be set on dry land only under specific conditions, and to require a trapper education course for licensed trappers.*

The PCS provides makes the following changes:

- *Provides that baited Conibear type traps with an enclosure may be set on dry land, with the bottom of the trap on the ground, provided no openings on the enclosure exceed 60 square inches and the trap trigger is recessed at least eight inches from all openings.*
- *Provides that Conibear type traps without an enclosure and without bait may be set on dry land.*
- *Provides that, on any lands, baited Conibear type traps without an enclosure may be set on dry land if the bottom of the trap is elevated at least four feet above the ground.*
- *Provides that, on private lands, baited Conibear type traps without an enclosure may be set in buildings and structures or as authorized by a depredation permit.*

CURRENT LAW: G.S. 113-291.6 regulates the trapping of wild animals. The statute prohibits trapping on the land of another without having written permission from the landowner and prevents an animal from being taken by trapping with any steel-jaw, leg hold, or Conibear type trap unless certain conditions are met.

With regard to Conibear type traps, the statute provides that no one may take wild animals using such a trap unless it: (1) has a jaw spread of not more than 7.5 inches; (2) is horizontally offset with closed jaw spread of at least 3/16 of an inch for a trap with a jaw spread of more than 5.5 inches (except if the trap is set in the water with quick-drown type of set); (3) is smooth edged and without teeth or spikes; and (4) has a weather-resistant permanent tag attached legibly giving the trapper's name and address. In addition, such traps with an inside jaw spread or opening (width or height) greater than 7.5 inches and no larger than 26 inches in width and 12 inches in height may only be set in the water and in areas in which beaver and otter may be lawfully trapped.

A person who violates G.S. 113-291.6 is guilty of a Class 2 misdemeanor¹.

BILL ANALYSIS: The PCS would amend the laws governing Conibear type traps to:

- Prohibit "bucket sets" on dry land.

¹ The presumptive range of punishment for a Class 2 misdemeanor when there are no prior convictions is 1 to 30 days of community punishment.

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- Provide that Conibear type traps set with bait may be set on dry land only within an enclosure approved by the rules of the Wildlife Resources Commission ("Commission") subject to the following minimum requirements:
 - No openings on the enclosure may exceed 60 square inches.
 - The trap trigger must be recessed at least eight inches from all openings.
- Provide that Conibear type traps set without an enclosure and without bait may be set on dry land.
- Provide that baited Conibear type traps without an enclosure may be set on any lands, including private lands and game lands, if the bottom of the trap is elevated at least four feet above the ground.
- Provide that on private lands, baited Conibear type traps without an enclosure may be set in buildings and structures or as authorized by a depredation permit issued by the Commission.

In addition, the PCS would provide that individuals newly receiving a trapping license from the Commission after October 1, 2016, must complete a trapper education course approved by the Commission. Individuals taking the trapper education course may be charged a fee to cover the cost of administering the course.

BACKGROUND: Body-gripping traps are designed to kill animals quickly. They are often called "Conibear" traps after Canadian inventor Frank Conibear, who began their manufacture in the late 1950s. Animals that are caught squarely on the neck by such a trap are killed quickly, and are therefore not left to suffer or given a chance to escape.

EFFECTIVE DATE: This act would be effective December 1, 2015, and would apply to offenses committed on or after that date.