



HOUSE BILL 1109: Macon/Clay/No Right-of-Way Spotlighting.

2017-2018 General Assembly

Committee:	House State and Local Government I	Date:	December 3, 2018
Introduced by:	Rep. Corbin	Prepared by:	Billy R. Godwin Staff Attorney
Analysis of:	First Edition		

OVERVIEW: *House Bill 1109 would make it a Class 2 misdemeanor to intentionally shine a light on any wild animal from the right-of-way of a public road between one-half hour after sunset and one-half hour before sunrise in Macon and Clay Counties. The act would become effective April 1, 2019, and apply to offenses committed on or after that date.*

CURRENT LAW: G.S. 113-291.1(a) provides for the taking of the taking of game only between one-half hour before sunrise and one-half hour after sunset. G.S. 113-291.1(b)(2) specifically prohibits the taking of wild animals or wild birds with the use of artificial lights except as provided by rules adopted by the Wildlife Resources Commission (WRC). In addition, pursuant to G.S. 113-291.1(e1) and (e2), the WRC may adopt rules prohibiting shining lights on deer when there is sufficient evidence that an area is subject to substantial unlawful night deer hunting and the residents have been greatly inconvenienced by the shining lights. Many counties have regulations restricting shining lights in deer areas.

By rule, the WRC allows night hunting and the use of artificial lights in the taking of raccoons, opossum, feral swine, and coyote.

G.S. 113-294(e) makes it a Class 2 misdemeanor to unlawfully take deer at night with the aid of an artificial light.

BILL ANALYSIS: Section 1 of the bill would prohibit a person from intentionally shining a light on any wild animal, including deer, coyote, and feral swine, from the right-of-way of any public road, street, or highway between the hours of one-half hour after sunset to one-half hour before sunrise.

Section 2 would provide that the prohibition does not apply to the necessary shining of lights by a motorist in normal travel on a highway, or to landowners, campers, or others who are not attempting to attract or immobilize wildlife by the use of lights.

Sections 3 and 4 would make violation of the act a Class 2 misdemeanor, enforceable by law enforcement officers of the WRC, sheriffs and deputy sheriffs, and other law enforcement officers with general subject matter jurisdiction.

Section 5 would make the act applicable to Macon and Clay Counties only.

EFFECTIVE DATE: This act becomes effective April 1, 2019, and applies to offenses committed on or after that date.

Karen Cochrane-Brown
Director



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Legislative Analysis
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