



HOUSE BILL 559: Outdoor Heritage Enhanced.

2017-2018 General Assembly

Committee:		Date:	August 15, 2017
Introduced by:		Prepared by:	Augustus D. Willis Staff Attorney
Analysis of:	S.L. 2017-182		

OVERVIEW: *S.L. 2017-182 expands Sunday hunting with firearms by removing certain restrictions on Sunday hunting on private land, allowing Sunday hunting on game lands, and allowing migratory bird hunting on Sunday subject to the rules of the Wildlife Resources Commission (WRC). WRC may not authorize Sunday hunting of migratory birds prior to March 1, 2018, and must complete a study examining biological and resource management impacts, economic impacts, and social impacts associated with hunting migratory birds on Sunday by March 1, 2018. The law now requires any county ordinance prohibiting hunting on Sunday to be approved by a majority of voters in a county-wide referendum.*

The portion of the law pertaining to ordinances prohibiting Sunday hunting becomes effective October 1, 2017. The remainder of S.L. 2017-182 became effective July 25, 2017.

CURRENT LAW: Pursuant to the original Outdoor Heritage Act ([S.L. 2015-144](#)), hunting with firearms on Sundays has been permitted, subject to certain restrictions, since October 1, 2015. Currently, hunting with the use of firearms on Sundays is limited to private property in counties with 700,000 people or fewer, and subject to the following prohibitions on:

- The use of firearms to hunt between 9:30 A.M. and 12:30 P.M., except on licensed controlled hunting preserves.
- Hunting migratory birds.
- Use of firearms to hunt deer chased by dogs.
- Hunting within 500 yards of a place of worship or a residence not owned by the landowner.

Violations are punished as Class 3 misdemeanors. The Outdoor Heritage Act also contained a provision allowing counties to adopt ordinances prohibiting Sunday hunting, provided that no such ordinance shall become effective prior to October 1, 2017.

G.S. 14.54.1(b) provides that "a 'building that is a place of religious worship' shall be construed to include any church, chapel, meetinghouse, synagogue, temple, longhouse, or mosque, or other building that is regularly used, and clearly identifiable, as a place for religious worship."

BILL ANALYSIS:

Section 1 removes restrictions on hunting with the use of firearms on private land to allow hunting of wild animals and upland game birds in all counties except for within 500 yards of a place of religious worship, which remain prohibited. Hunting with the use of firearms remains unlawful between the hours of 9:30

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A.M. and 12:30 P.M. and the use of dogs to hunt deer with the use of firearms remains unlawful at all times on Sundays.

S.L. 2017-182 also allows for the hunting of wild animals and upland game birds on public lands of the State that are managed for hunting, subject to the 9:30 A.M. until 12:30 P.M. time restriction and the restrictions prohibiting the use of firearms to hunt deer chased by dogs and prohibiting the use of firearms to hunt within 500 yards of a place of religious worship.

S.L. 2017-182 expressly prohibits the hunting of migratory birds on Sunday unless authorized by proclamation or rules of the Wildlife Resource Commission, however the WRC may not authorize the hunting of migratory birds on Sunday prior to March 1, 2018. The prohibition on hunting between 9:30 A.M. and 12:30 P.M. or within 500 yards of a place of religious worship will apply to the hunting of migratory birds on Sunday if authorized by the WRC.

Hunting permitted within each of these provisions is subject to rules adopted by the WRC and violations remain Class 3 misdemeanors.

Section 2 requires WRC to complete a study that includes the examination of biological and resource management impacts, economic impacts, and social impacts associated with the hunting of migratory birds on Sunday. The findings of this study must be submitted to the Speaker of the House, President Pro-Tem of the Senate, and the chairs of the House Committee on Wildlife Resources by March 1, 2018.

Section 3 modifies the laws regarding counties' ability to pass ordinances prohibiting hunting on Sunday to require that any such ordinance be approved by a majority of voters in a county-wide referendum. Such a referendum must be held at the same time as any other State or county general election.

EFFECTIVE DATE: Section 3(a), requiring a referendum in order for an ordinance prohibiting Sunday hunting to become effective, becomes effective October 1, 2017. The remainder became effective July 25, 2017.