



HOUSE BILL 324: Local Hunting Omnibus.

2019-2020 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	July 8, 2019
Introduced by:	Rep. Hastings	Prepared by:	Kyle Evans
Analysis of:	Third Edition		Staff Attorney

OVERVIEW: House Bill 324 would make various changes to local hunting acts for Caldwell, Cleveland, Cumberland, and Yancey Counties, to become effective October 1, 2019.

CURRENT LAW/BILL ANALYSIS:

Section 1.(a) would repeal the following local acts:

- Chapter 388 of Public Law 1907, which prohibits catching or killing any fox in Cleveland County, and parts of Burke County, between March 1 and December 1, with exceptions.
- Chapter 1101 of the 1951 Session Laws, which prohibits taking or killing a red fox by gun, trap, or otherwise in Cleveland County.
- Sections 1 and 3 of Chapter 587 of the 1979 Session Laws (S.L. 1979-587), which:
 - Prohibits a person from possessing, or hunting with, any centerfire rifle upon, over or across lands of another without written permission of the property owner or lessee.
 - Prohibits a person from hunting or taking or killing deer upon land at any time without written permission of the land owner or lessee, which remains valid for only 10 days.

Section 1.(b) would make conforming changes.

Section 1.(c) would amend S.L. 1979-587 to (i) prohibit a person from discharging a firearm from the roadway or right-of-way of any State-maintained road or highway, (ii) remove the need for a landowner request for a law enforcement officer to enforce that prohibition, and (iii) expand the applicability to all of Cleveland County. Under current law, S.L. 1979-587 only prohibits the discharge of a centerfire rifle from the any State-maintained road or highway, law enforcement officers are only authorized to enforce the prohibition upon the request of a landowner or lessee of land, and the act only applies to the portion of Cleveland County north of U.S. 74 and south of secondary road 1361 and N.C. 182.

Section 2 – S.L. 2018-10 created an open season for taking foxes with weapons, and foxes and coyotes by trapping during trapping seasons established by the Wildlife Resources Commission, which no tagging requirements or bag limits in Cabarrus, Gaston, McDowell, Mitchell, Montgomery, Rowan, Rutherford, and Stokes Counties. This section would amend S.L. 2018-10 to include Caldwell, Cleveland, Cumberland, and Yancey Counties.

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

BACKGROUND: In November 2018, the voters of this State approved an amendment to the North Carolina Constitution stating that it is the “right of the people to hunt, fish, and harvest wildlife is a valued part of the State's heritage and shall be forever preserved for the public good.” The amendment further

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provides that the right of the people to hunt, fish, and harvest wildlife is subject only to laws enacted by the General Assembly to (i) promote wildlife conservation and management and (ii) preserve the future of hunting and fishing. The amendment also included language that it did not modify any provision of law relating to trespass, property rights, or eminent domain. At this time, no appellate court decisions have been issued to interpret this Section of the Constitution.

Staff Attorneys Howard Marsilio and Billy Godwin contributed to this summary.