



HOUSE BILL 98: Macon/Clay/No Right-of-Way Spotighting.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 25, 2019
Introduced by:	Rep. Corbin	Prepared by:	Billy R. Godwin
Analysis of:	First Edition		Staff Attorney

OVERVIEW: *House Bill 98 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 before sunset and one-half hour before sunrise in Macon and Clay Counties.*

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 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 would become effective October 1, 2019, 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 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.

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