



SENATE BILL 355: North Carolina Farm Act of 2024, Sec. 3: Feral Swine Amendments

2023-2024 General Assembly

Committee:		Date:	August 20, 2024
Introduced by:		Prepared by:	Kyle Evans Staff Attorney
Analysis of:	Sec. 3 of S.L. 2024-32		

OVERVIEW: *Section 3 of S.L. 2024-32 eliminates the civil penalty for transporting a live swine without identification and amends the definition of feral swine in the Wildlife Resources Commission (WRC) statutes to include live swine transported without identification. It also amends the criminal penalties related to removal of feral swine from a trap and transportation of feral swine as follows:*

- *Establishes that removal of feral swine from a trap while the swine is still alive or transportation of feral swine without authorization from WRC are two separate offenses. Specifically, the element involving transportation of feral swine after removal from a trap is deleted, so that any transportation of a feral swine is an offense.*
- *Increases the penalty for removal of feral swine from a trap while the swine is still alive or transportation of feral swine to a Class 2 misdemeanor punishable by a fine of at least \$1,000 for a first offense and a Class A1 misdemeanor punishable by a fine of not less than \$5,000 or \$500 per feral swine, whichever is greater, for a second or subsequent offense.*
- *Provides that conviction of a second violation of removal of feral swine from a trap while the swine is still alive or transporting feral swine results in a one-year suspension of a trapping license or any other WRC-issued license or permit applicable to the type of activity in which the person was engaging, and conviction of a third violation results in a permanent revocation.*

This section becomes effective December 1, 2024, and applies to offenses committed on or after that date.

CURRENT LAW & BILL ANALYSIS:

Under current law, transporting a live swine on a public road within the State without an official form of identification approved by the State Veterinarian for that purpose is punishable by a civil penalty of up to \$5,000 per swine. A swine transported without identification is presumed to be a feral swine that is also subject to regulation by the Wildlife Resources Commission (WRC). It is currently a Class 2 misdemeanor, with a fine of at least \$250, to remove a feral swine from a trap while the swine is still alive or to transport the swine after removal from the trap. Removal of a live feral swine from a trap and transporting the swine are two separate offenses.

Section 3 of S.L. 2024-32 eliminates the civil penalty for transporting a live swine without identification and amends the definition of feral swine in the WRC statutes to include live swine transported without identification. It also amends the criminal penalties related to removal of feral swine from a trap and transportation of feral swine as follows:

- Establishes that removal of feral swine from a trap while the swine is still alive or transportation of feral swine without authorization from WRC are two separate offenses. Specifically, the element

Kara McCraw
Director



Legislative Analysis
Division
919-733-2578

Senate Bill 355

Page 2

involving transportation of feral swine **after removal from a trap** is deleted, so that any transportation of a feral swine is an offense.

- Increases the penalty for removal of feral swine from a trap while the swine is still alive or transportation of feral swine to a Class 2 misdemeanor punishable by a fine of at least \$1,000 for a first offense and a Class A1 misdemeanor punishable by a fine of not less than \$5,000 or \$500 per feral swine, whichever is greater, for a second or subsequent offense.
- Provides that conviction of a second violation of removal of feral swine from a trap while the swine is still alive or transporting feral swine results in a one-year suspension of a trapping license or any other WRC-issued license or permit applicable to the type of activity in which the person was engaging, and conviction of a third violation results in a permanent revocation.

EFFECTIVE DATE: This section becomes effective December 1, 2024, and applies to offenses committed on or after that date.

Chris Saunders, Legislative Analysis Division, substantially contributed to this summary.