

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 245*

Short Title: Richmond/Deer Hunting With Dogs. (Local)

Sponsors: Representative Goodman (Primary Sponsor).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Agriculture, if favorable, Appropriations.

March 8, 2011

A BILL TO BE ENTITLED

AN ACT TO REGULATE DEER HUNTING WITH DOGS IN RICHMOND COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. Definitions. – The following definitions apply in this act:

- (1) "Dog Deer Hunting Area" (DDHA) means an area meeting the following criteria and on which dog deer hunting is permissible. The area must be:
 - a. At least 640 acres in area (one square mile), except that in the case of a person hunting on his or her own land, the area must be at least 250 acres in area.
 - b. One contiguous tract on which the hunting rights are owned, leased, or controlled by a hunting group. Several tracts of separate ownership may be combined by hunting groups to make up the minimum required size of the DDHA. Public roadways traversing a tract shall not divide the tract for purposes of this definition.
 - c. Posted on all boundaries, entry routes, and roads as a Dog Deer Hunting Area.
- (2) "Dog Deer Hunting Area Permit" means an annual permit issued by Richmond County authorizing Dog Deer Hunting on a Dog Deer Hunting Area as defined in this section on an application form supplied by the Department that contains information sufficient to determine qualification and eligibility of the area as a Dog Deer Hunting Area.
- (3) "Dog Deer Hunting" or "Dog Deer Hunt" refers to activity in which a person (i) takes a stand on land or water, in or on a boat or vehicle of any description that is stopped on water or land, on a public or private road, or on any right-of-way, (ii) while in possession of a weapon capable of killing a deer, and (iii) while dogs belonging to, or under the control of, the person are present in the area as evidenced by sight or sound.
- (4) "While in possession of a weapon capable of killing a deer" does not apply when all weapons are unloaded and encased, disassembled, or stored in a vehicle, toolbox, trunk, or other compartment; and, if weapons are not stored as described, then they must be located at least 30 feet from ammunition capable of being used in the weapon in order for the term not to apply.

SECTION 2. Criteria. – The following criteria shall apply to hunters using the Dog Deer Hunting Area and to dogs used in the hunt:



- 1 (1) Every hunter, while hunting deer in the DDHA, shall carry written
2 permission to hunt in the area or proof of membership to the group or club
3 holding the dog deer hunting rights to the property.
4 (2) One or more of the hunters shall be designated as Hunt Master and shall be
5 responsible for the hunting party's compliance with requirements of the Dog
6 Deer Hunting Plan. The Hunt Master shall be knowledgeable of all the dog
7 owners and handlers participating in the Dog Deer Hunt and be able to
8 contact them during the hunt.
9 (3) Every dog used in the Dog Deer Hunt shall have a metal tag attached to its
10 collar displaying the name, address, and telephone number of its owner or
11 handler and the DDHA permit number.

12 **SECTION 3.** Prohibited Acts. – It is unlawful to do any of the following:

- 13 (1) Engage in Dog Deer Hunting with the use of dogs on land that does not
14 qualify as a Dog Deer Hunting Area and for which a current and valid Dog
15 Deer Hunting Area Permit has not been obtained.
16 (2) Use any dog to deer hunt on a Dog Deer Hunting Area that is not tagged as
17 specified in this act.
18 (3) Hunt in a Dog Deer Hunting Area without carrying written permission or
19 evidence of membership in the authorized hunting group or club.
20 (4) Hunt on, from, or across any public road or road right-of-way.
21 (5) Fail to stop a Dog Deer Hunt when any dog involved in the hunt crosses
22 from the Dog Deer Hunting Area onto lands not registered as a Dog Deer
23 Hunting Area. The Dog Deer Hunt may not continue in the designated Dog
24 Deer Hunting Area until the errant dog has been retrieved. The requirement
25 to stop the Dog Deer Hunt when one or more hunting dog crosses onto land
26 not registered as a Dog Deer Hunting Area shall not apply if the Hunt Master
27 or his designee and two other participants in the Dog Deer Hunt initiate a
28 search for and an attempt to retrieve the errant dog or dogs, provided that the
29 offended landowner may stop the hunt by reporting the trespass to the Hunt
30 Master or to the Wildlife Resources Commission. The Hunt Master is
31 responsible for compliance with every aspect of this requirement.
32 (6) Hunt on another's land without having, on the person, written permission
33 signed and dated by the owner, lessee, or club president, if applicable.
34 Permission is good for one year unless otherwise stated. Allowing a dog
35 under one's ownership, possession, or control to run upon or across another's
36 land without written permission constitutes hunting on that land and is
37 subject to the requirement for written permission as set forth in this
38 subsection.
39 (7) Kill, injure, steal, or harm in any way any dog used in a Dog Deer Hunt
40 merely because the dog crossed from property registered as a Dog Deer
41 Hunting Area to an area where written permission to hunt with dogs has not
42 been obtained.
43 (8) Fraudulently or untruthfully report that a dog or hunter has infringed upon an
44 area where written permission has not been obtained.

45 **SECTION 4.** Penalties. – Penalties for violation of the provisions of this act are as

46 follows:

- 47 (1) A violation of subdivision (1), (2), (3), (4), (6), (7), or (8) of Section 3 of this
48 act is punishable as a Class 2 misdemeanor and punishable by a fine of not
49 more than five hundred dollars (\$500.00), no part of which may be
50 suspended, or imprisonment for not more than 30 days, or both. The court
51 shall transmit the record of the conviction to the Wildlife Resources

1 Commission for hunting license suspension pursuant to subdivision (2) of
2 this subsection.

3 (2) In addition to any other penalties provided by law, a person convicted for
4 more than two violations within a two-year period of any of the prohibited
5 acts set forth in subdivision (1), (2), (3), (4), (6), (7), or (8) of Section 3 of
6 this act shall have his or her hunting privileges suspended by the Wildlife
7 Resources Commission, and the convicted person's hunting license shall
8 remain suspended until the person successfully completes a hunter education
9 class administered by the Commission.

10 (3) Upon the first violation of subdivision (5) of Section 3 of this act, a person
11 may be given a written warning of violation pursuant to G.S. 113-140. Any
12 subsequent violation of that subdivision is punishable as a Class 2
13 misdemeanor and punishable by a fine of up to five hundred dollars
14 (\$500.00). Violations of subdivision (5) of Section 3 of this act shall count
15 toward the suspension of individual hunting licenses as set forth in
16 subdivision (2) of this section and for suspension or cancellation of the Dog
17 Deer Hunting Area Permits as set forth in subdivision (4) of this section.

18 (4) Any Dog Deer Hunting Area Permit shall be suspended or revoked by
19 Richmond County upon more than two convictions for violations of the
20 prohibited acts contained in Section 3 of this act within a two year period.
21 The violations that count toward suspension or cancellation of a Dog Deer
22 Hunting Area Permit shall include convictions for any of the prohibited acts
23 contained in Section 3 of this act by any participant in any Dog Deer Hunts
24 being conducted on the lands covered by the Dog Deer Hunting Permit. The
25 term "participant" as used in this subdivision includes any and all Hunt
26 Masters appointed by the club or group of hunters hunting on the Dog Deer
27 Hunting Area. A Dog Deer Hunting Area shall not be eligible for
28 reinstatement, reissuance, or renewal of a Dog Deer Hunting Area Permit for
29 a period of at least one year from the date of revocation. The length of
30 suspension of a Dog Deer Hunting Area Permit for multiple violations of
31 this act shall be established by Richmond County.

32 **SECTION 5.** Enforcement. – This act is enforceable by law enforcement officers
33 of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by peace officers
34 with general subject matter jurisdiction.

35 **SECTION 6.** Application. – This act applies only to that portion of Richmond
36 County in which deer hunting with dogs is not prohibited pursuant to Chapter 869 of the 1985
37 Session Laws, as amended by Chapter 110 of the 1995 Session Laws.

38 **SECTION 7.** Effective Date. – This act becomes effective September 1, 2011, and
39 applies to acts committed on or after that date.