

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 648

Short Title: Responsible Deer Hunting. (Public)

Sponsors: Representatives Malone and Adams (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Wildlife Resources, if favorable, Rules, Calendar, and Operations of the House

April 11, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR RESPONSIBLE HUNTING OF DEER WITH DOGS IN A
3 MANNER THAT PROTECTS THE RIGHTS OF PRIVATE LANDOWNERS.

4 Whereas, G.S. 143-239 charges the Wildlife Resources Commission with providing
5 a "sound, constructive, comprehensive, continuing, and economical game, game fish, and
6 wildlife program directed by qualified, competent, and representative citizens, who shall have
7 knowledge of or training in the protection, restoration, proper use, and management of wildlife
8 resources"; and

9 Whereas, G.S. 113-133.1 states that the enjoyment of the wildlife resources of the
10 State belongs to all of the people of the State; and

11 Whereas, G.S. 113-133.1 also charges the Wildlife Resources Commission with
12 "administering the governing statutes in a manner to serve as equitably as may be the various
13 competing interests of the people regarding wildlife resources"; Now, therefore,
14 The General Assembly of North Carolina enacts:

15 **SECTION 1.(a)** G.S. 113-291.5(b) reads as rewritten:

16 "(b) In the area of the State lying east of that described in subsection (a), the Wildlife
17 Resources Commission may not restrict or prohibit the use of dogs in hunting or the training of
18 dogs, in season or out, except during the breeding and raising seasons for game during the
19 period April 15 through ~~June 15~~ June 15 or except as related to pursuing or chasing deer with
20 dogs for the purpose of training or hunting as provided in G.S. 113-291.5B."

21 **SECTION 1.(b)** Article 22 of Chapter 113 of the General Statutes is amended by
22 adding a new section to read:

23 "**§ 113-291.5B. Requirements for pursuing or chasing deer with dogs for the purpose of**
24 **training or hunting.**

25 (a) Prohibition. – It shall be unlawful for any dog owner or handler to pursue or chase
26 deer with dogs for the purpose of training or hunting on any tract of property or to fail to
27 prevent dogs from entering any tract of property for which they do not have authorization to
28 train or hunt, except under any of the following circumstances:

29 (1) The person owns the property.

30 (2) The person leases the deer hunting rights for the property.

31 (3) The person has obtained permission from the owner or lessor of the property
32 as provided in subsection (b) of this section.

33 (4) The person is on public hunting grounds or game lands and the land owner
34 or managing entity has authorized the use of dogs to pursue or chase deer for
35 the purpose of training or hunting.



1 **(b) Required Documentation.** – Documentation of the lease of hunting rights under
2 subdivision (a)(2) of this section or the permission from an owner or lessor of the property
3 under subdivision (a)(3) of this section shall be (i) in writing, (ii) carried on one's person, (iii)
4 signed by the landowner, lessee, or agent, and (iv) dated within the last 12 months. The
5 documentation shall be displayed upon request from any law enforcement officer of the
6 Wildlife Resources Commission, sheriff or deputy sheriff, or other law enforcement officer
7 with general subject matter jurisdiction. A person shall have permission for the purposes of
8 subdivision (a)(3) of this section if a landowner, lessee, or agent has granted permission to a
9 club to pursue or chase deer with dogs for the purpose of hunting or training on the land and the
10 person is carrying both a current membership card demonstrating the person's membership in
11 the club and a copy of written permission granted to the club that complies with the other
12 requirements of this subsection.

13 **(c) Affirmative Defense.** – A person charged with a violation of subsection (a) of this
14 section shall have an affirmative defense that the person had in fact obtained prior permission
15 of the owner, lessee, or agent as required by this subsection but did not have on his or her
16 person valid written permission at the time of citation or arrest.

17 **(d) Dog Owner or Handler Requirements.** – All dogs used for pursuing or chasing deer
18 for the purpose of training or hunting shall be identified with a visible and legible tag or
19 marking at all times while engaged in those activities. The tag or markings shall contain such
20 information as the Wildlife Resources Commission may specify by rule.

21 **(e) Additional Prohibition.** – No dogs may be released from the right-of-way of a public
22 road to pursue or chase deer for the purpose of training or hunting unless one of the exceptions
23 set out in subsection (a) of this section applies for all property directly adjoining the
24 right-of-way at the point where the dogs are released.

25 **(f) Rule-making Authority.** – The Wildlife Resources Commission may adopt rules to
26 implement this section."

27 **SECTION 2.** G.S. 113-270.3(b) is amended by adding a new subdivision to read:

28 **"(6) Deer-Dog Use Stamp.** – Ten dollars (\$10.00). This electronically generated
29 stamp shall be issued to an individual resident or nonresident of the State
30 and, notwithstanding any other provision of this Subchapter, must be
31 procured before pursuing or chasing deer with dogs for the purpose of
32 training or hunting. Persons who have purchased a lifetime license
33 established by G.S. 113-270.1D(b), 113-270.2(c)(2), or 113-351(c)(3) prior
34 to July 1, 2018, or who are exempt from license requirements as provided in
35 subsections (c), (d), and (n) of G.S. 113-276 shall obtain this stamp free of
36 charge."

37 **SECTION 3.** G.S. 113-276 reads as rewritten:

38 **"§ 113-276. Exemptions and exceptions to license and permit requirements.**

39 (a), (b) Repealed by Session Laws 1979, c. 830, s. 1.

40 (c) Except as otherwise provided in this Subchapter, every landholder, his spouse, and
41 dependents under 18 years of age residing with him may take wildlife upon the land held by the
42 landholder without any license required by G.S. 113-270.1B or G.S. 113-270.3(a), except that
43 such persons are not exempt from the bear management stamp established in ~~G.S.~~
44 ~~113-270.3(b)(1b)~~ and G.S. 113-270.3(b)(1b), the falconry license described in ~~G.S.~~
45 ~~113-270.3(b)(4)~~ G.S. 113-270.3(b)(4), and the deer-dog use stamp established in
46 G.S. 113-270.3(b)(6).

47 (d) Except as otherwise provided in this Subchapter, individuals under 16 years of age
48 are exempt from the hunting and trapping license requirements of G.S. 113-270.1B(a) and
49 G.S. 113-270.3(a), ~~except the falconry license described in G.S. 113-270.3(b)(4).~~ that those
50 individuals are not exempt from the bear management stamp established in
51 G.S. 113-270.3(b)(1b), the falconry license described in G.S. 113-270.3(b)(4), and the deer-dog

1 use stamp established in G.S. 113-270.3(b)(6). Individuals under 16 may hunt under this
2 exemption, provided that the hunter is accompanied by an adult of at least 18 years of age who
3 is licensed to hunt in this State. For purposes of this section, "accompanied" means that the
4 licensed adult maintains a proximity that enables the adult to monitor the activities of the
5 hunter by remaining within sight and hearing distance at all times without use of electronic
6 devices. Upon successfully obtaining the hunter education certificate of competency required
7 by G.S. 113-270.1A(a), a hunter may hunt under the license exemption until age 16 without
8 adult accompaniment. Individuals under 16 years of age are exempt from the fishing license
9 requirements of G.S. 113-270.1B(a), 113-272, and 113-271.

10 ...

11 (n) The Wildlife Resources Commission may adopt rules to exempt individuals from
12 the hunting and fishing license requirements of G.S. 113-270.1B, ~~113-270.3(b)(1),~~
13 ~~113-270.3(b)(1a), 113-270.3(b)(1b), 113-270.3(b)(2), 113-270.3(b)(3), 113-270.3(b)(5),~~
14 subdivisions (1), (1a), (1b), (2), (3), (5), and (6) of G.S. 113-270.3, G.S. 113-271, and
15 G.S. 113-272, and ~~113-272.2(e)(1)~~ who participate in organized hunting and fishing events for
16 the specified time and place of the event when the purpose of the event is consistent with the
17 conservation objectives of the Commission. A person exempted from licensing requirements
18 under this subsection is responsible for complying with any reporting requirements prescribed
19 by rule of the Wildlife Resources Commission, purchasing any federal migratory waterfowl
20 stamps as a result of waterfowl hunting activity, and complying with any other requirements
21 that the holder of a North Carolina license is subject to. Those exempted persons shall comply
22 with the hunter safety requirements of G.S. 113-270.1A or shall be accompanied by a properly
23 licensed adult who maintains a proximity to the license exempt individual which enables the
24 adult to monitor the activities of, and communicate with, the individual at all times."

25 **SECTION 4.** The Wildlife Resources Commission shall establish from its
26 membership an advisory committee to create recommendations for the improvement of
27 opportunities for dog-deer hunting recreation. The advisory committee shall provide its
28 recommendations and any legislative proposals to the chairs of the House Wildlife Resources
29 Committee and the Senate Agriculture/Environment/Natural Resources Committee no later
30 than May 1, 2018.

31 **SECTION 5.** This act becomes effective January 2, 2018.