

273.55 UNLAWFUL HUNTING OF MIGRATORY BIRDS ON SUNDAY.
MISDEMEANOR.

NOTE WELL: N.C. Gen. Stat. § 103-2(a2) is not applicable to military reservations, the jurisdiction of which is exclusively in the federal government, to field trials authorized by the Wildlife Resources Commission, or to actions taken in defense of a person's property.

The defendant has been charged with unlawfully hunting migratory birds on Sunday.

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that on or about the alleged date the defendant hunted migratory birds¹ on Sunday.

And Second, that defendant hunted in violation of the law by:

- a) [hunting between 9:30 A.M and 12:30 P.M.²]
- b) [hunting within 500 yards of a place of religious worship³ or any accessory structure thereof]
- c) [hunted on Sunday prior to March 1, 2018]

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant hunted migratory birds on Sunday and that defendant [hunted between 9:30 a.m. and 12:30 p.m.] [hunted within 500 yards of a place of religious worship or any accessory structure thereof] [hunted on Sunday prior to March 1, 2018], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

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GENERAL CRIMINAL VOLUME

JUNE 2018

N.C. Gen. Stat. § 103-2(a2)

1 Migratory birds are all birds, whether or not raised in captivity, included in the terms of conventions between the United States and any foreign country for the protection of migratory birds and the Migratory Bird treaty Act, as defined and listed in Part 10 of Title 50 of the Code of Federal Regulations. N.C. Gen. Stat. § 113-129(11a).

2 N.C. Gen. Stat. § 103-2(a)(1) does not apply where defendant was lawfully hunting on controlled hunting preserves licensed pursuant to N.C. Gen. Stat. § 113-273(g).

3 N.C. Gen. Stat. § 14-54.1(b) defines a place of religious worship as “any church, chapel, meetinghouse, synagogue, temple, longhouse, or mosque, or other building that is regularly used, and clearly identifiable, as a place for religious worship.”