

# Outline for Wildlife Seminar

## 6/22/2011

- I. Laws regarding wildlife frequently addressed in court
  - A. Regulations and federal, state, and local laws
    - 1. [Chapter 113](#) North Carolina General Statutes
    - 2. [15A NCAC 10B](#)
      - Note: Conflicts between Regulations and General Statutes will usually result in the General Statute controlling. Some Wildlife Commission regulations will specifically note that any local laws will control over that specific regulation.
  
- II. Baiting violations
  - A. Ducks – [15 NCAC 10B.0105\(b\)\(2\)\(b\)](#)
    - 1. Regulation contains very specific language
    - 2. Considerations
      - a. Size of body of water - example river vs. swamp vs. ocean
      - b. Amount and type of bait and distance the defendant is located from the same.
      - c. Who owns the water or the land is related to the location of bait
      - d. Evidence of defendant's knowledge of the bait
      - e. Expertise of defendant
  
  - B. Bears – Statute section [§113-294\(r\)](#)
    - 1. Considerations
      - a. Use of grain. Unprocessed grain is allowed when the local laws allow for the use of dogs in the aid of hunting bears. No processed grain of any type or any other bait is allowed in bear hunting areas at any time.
  
- III. Spotlighting
  - A. [15 NCAC .0115](#)
  
- IV. Animal season and limits
  - A. 15 NCAC .0204-.215
  
- V. Authority of law enforcement officers
  - A. [§113-287](#)
  
- VI. Hunting allowed on Sundays
  - A. [15 NCAC .0201\(b\)\(c\)](#)

1. Sunday hunting is allowed on private property only through taking game with archery or falconry. The use of falconry is only allowed on Sundays in public areas.

VII. Possession limits of game

- A. [§113-291.3\(e\)](#)
- B. [§113.291.2\(c\)](#)

VIII. Effects of conviction

A. Class and scope of punishment

1. Refer to [§113-135](#) –Unless specifically referred to otherwise, violations are usually a Class III misdemeanor.
2. See §113-135.1 – The difference between 1 year and 2 years license suspension.
3. [§113-294](#) – Addresses specific offenses. See also §113-276.3(d).
4. [§113-137](#) – Deals with seizure of vehicles and firearms.
5. [15 NCAC .0117\(C\)](#) - Replacement values of animals illegally taken.
6. [§113-276.3](#) and [§113-277](#) – Judge’s discretion.

Note: A PJC will not save a person’s hunting license without other specific language. The judge must specifically order that the license of a convicted defendant remain in effect if license forfeiture is authorized for the particular offense.

IX. Harassment of hunters

- A. [§113-295](#)