

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 388
Committee Substitute Favorable 4/29/97

Short Title: Amend Trespass Offenses.

(Public)

Sponsors:

Referred to:

March 4, 1997

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT THERE IS A REBUTTABLE PRESUMPTION THAT
2 A PERSON WHO ENTERS OR REMAINS ON THE PREMISES OF ANOTHER
3 FOR A PURPOSE THAT IS NOT IN THE ORDINARY COURSE OF BUSINESS
4 DOES SO WITHOUT AUTHORIZATION, TO AMEND THE OFFENSE OF
5 TRESPASS FOR PURPOSES OF HUNTING, ETC., TO ELIMINATE THE
6 REQUIREMENT THAT PROPERTY BE POSTED, AND TO MAKE
7 CONFORMING CHANGES.
8

9 The General Assembly of North Carolina enacts:

10 Section 1. Article 22B of Chapter 14 of the General Statutes is amended by
11 adding a new section to read:

12 "**§ 14-159.15. Rebuttable presumption of lack of authorization.**

13 (a) There is a rebuttable presumption that a person who enters or remains on the
14 premises of another for a purpose that is not within the ordinary course of business has
15 done so without authorization for the purposes of G.S. 14-159.12 and G.S. 14-159.13.

16 (b) For purposes of this section the term ordinary course of business includes
17 customary visits from neighbors and other members of the general public."

18 Section 2. G.S. 14-159.6 reads as rewritten:

1 **"§ 14-159.6. Trespass for purposes of hunting, etc., without written consent a**
2 **misdemeanor.**

3 Any person who willfully goes on the land, waters, ponds, or a legally established
4 waterfowl blind of another ~~upon which notices, signs or posters, described in G.S. 14-~~
5 ~~159.7, prohibiting hunting, fishing or trapping, or upon which "posted" notices have been~~
6 ~~placed,~~ to hunt, fish or trap without the written consent of the owner or his agent shall be
7 guilty of a Class 2 misdemeanor. Provided, further, that no arrests under authority of this
8 section shall be made without the consent of the owner or owners of said land, or their
9 duly authorized agents in the following counties: Halifax and Warren."

10 Section 3. G.S. 14-159.7 is repealed.

11 Section 4. This act becomes effective December 1, 1997, and applies to
12 offenses committed on or after that date.