

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 388

Short Title: Amend Trespass Offenses.

(Public)

Sponsors: Representative Nichols.

Referred to: Judiciary I.

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 INTENDS TO TRESPASS, TO AMEND THE OFFENSE OF TRESPASS FOR
5 PURPOSES OF HUNTING, ETC., TO ELIMINATE THE REQUIREMENT THAT
6 PROPERTY BE POSTED, AND TO MAKE CONFORMING CHANGES.
7

8 The General Assembly of North Carolina enacts:

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

11 "**§ 14-159.15. Rebuttable presumption of intent to trespass.**

12 (a) There is a rebuttable presumption that a person had the intent to commit a crime
13 under G.S. 14-159.12 or G.S. 14-159.13 if the person entered or remained on the
14 premises of another for a purpose that is not within the ordinary course of business.

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

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

18 "**§ 14-159.6. Trespass for purposes of hunting, etc., without written consent a**
19 **misdemeanor.**

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

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 G.S. 14-159.7 is repealed.

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