

HUNTING, FISHING, AND BOATING OFFENSES FOR WHICH COURT APPEARANCE MAY BE WAIVED (on execution of written waiver of appearance and trial, and plea of guilty)

(Adopted by the Conference of Chief District Court Judges, November 17, 1983 pursuant to G.S. 7 A-148). Effective July 1, 1984

NOTE: The statute or regulation defining the elements of the offense is cited immediately after the description of the offense. In the case of a regulation, the statutory authority for the regulation is given in parentheses.

OFFENSE

(1) Taking a wild animal or bird without a license:	
By resident. G.S. 113-270.2(a)	\$10 and costs
By nonresident. G.S. 113-270.2(a)	\$40 and costs
(2) Hunting or trapping on game lands without a game land license.	
G.S. 113-270.3(a) and (b)(4)	\$10 and costs
(3) Taking big game without a big game hunting license:	
By resident G.S. 113-270.2(a)	\$10 and costs
By nonresident G.S. 113-270.3(a) and (b) (2)	\$30 and costs
(4) Taking wild animal or bird with primitive weapon during the special season without a primitive weapons hunting license.	
G.S. 113-270.3(a) and (b) (3)	\$10 and costs
(5) Intentionally shining light on or in search of deer at night in area covered by regulations.	
15 NCAC 10B .0115(b), (c). (G.S. 113-291.1(e1) and (e2)).....	\$10 and costs
(6) Failing to tag the carcass of big game. 15 NCAC 10B .0113 (G.S. 113-270.3)).....	\$10 and costs
(7) Failing to report big game kill.	
G.S. 113-270.3(c)	\$10 and costs
(8) Setting trap without metal name tag attached. 15 NCAC 10B .0110 (G.S. 113-134).....	\$10 and costs
(9) Fishing by hook and line in inland fishing waters without a license:	
By resident. G.S. 113-271(a)	\$10 and costs
By nonresident. G.S. 113-271(a)	\$20 and costs
10. Fishing in managed waters on game lands without a game land license.	
G.S. 113-270.3(a) and (b) (4)	\$10 and costs
11. Fishing in public mountain trout waters without a special trout license:	
By resident. G.S. 113-272(a)	\$10 and costs
By nonresident. G.S. 113-272(a)	\$15 and costs
12. Possessing fewer than five undersized fish. 15 NCAC 10C .0304 and .0305 (G.S. 113-292(a) (3)	\$10 and costs
13. Fishing in inland fishing waters for personal use with a special device without a special device license:	
By resident. G.S. 113-272.2(a) and (c) (3).....	\$10 and costs
By nonresident. G.S. 113-272.2(a) and (c) (4).....	\$15 and costs

14. Using live bait while fishing with trotline or set hook in inland fishing waters. 15 NCAC 10C .0206.
(G.S. 113-292(a) (1)). \$10 and costs
15. Failing to return inland game fish immediately to the water unharmed when taken incidentally to commercial fishing operations or with licenses special device. 15 NCAC 10C .0302.
(G.S. 113-292(a) (1) and (b) (2)). \$10 and costs
16. Unlawful taking fish in inland waters by method other than hook-and-line, except taking by poison, electricity, explosives, or drugs. 15 NCAC 10C .0207; .0213; .0302; 0401 (G.S 113-292(a) (1))..... \$10 and costs.
17. Leaving any vehicle, boat, or other object on boating access area to impede use of area.
15 NCAC 10E .0004(a)
G.S. 113-264(a))..... \$10 and costs
18. Parking in no-parking zone in boating access area. 15 NCAC 10E .0004(a)
(G.S. 113-264(a))..... \$10 and costs
19. Using a boating access area for purpose other than launching of boats and parking vehicles.
15 NCAC 10E .0004(e).
(G.S. 113-264(a))..... \$10 and costs
20. Operating a motorboat at greater than no-wake speed within 50 yards of wildlife boat launching ramp.
15 NCAC 10E .0004(d).
(G.S. 113-264(a))..... \$10 and costs
21. Committing any other fishing or hunting offense that is solely a violation of regulations of the Wildlife Resources Commission and not excepted under G.S. 113-135.1(b).
(G.S. 113-135.1(a))..... \$10 and costs
22. Motorboat numbering offenses under G.S. 75A-4, except for cases in which certificate is procured by fraud. \$10 and costs
23. Motorboat lighting or equipment violations.
(G.S. 75A-6, as modified by 15 NCAC 10F .0201.)..... \$10 and costs
24. Operating motorboat at greater than no-wake speed in violation of local regulation.
15 NCAC 10F .0300.
(G.S. 75A-15)..... \$10 and costs

OTHER POLICIES RELATING TO WAIVABLE HUNTING, FISHING AND BOATING OFFENSES

1. G.S. 7 A-148 provides that the Conference of Chief District Judges shall prepare a "uniform schedule" of waivable hunting and fishing offenses under G.S. Chapter 113 and waivable boating offenses under G.S. Chapter 75A and shall otherwise promote the uniform administration of justice. In accordance with this statutory mandate, all judicial districts must adhere to this schedule and individual judicial district policies deviating from it are prohibited.

2. When a defendant is charged with two offenses arising out of the same transaction and both are waivable under this schedule, they should be charged on the same citation. If additional waivable offenses are charged, a separate citation should be used for each two additional offenses.

3. When two charges are made on a citation, the defendant shall be fined only for the offense carrying the highest fine, and only one bill of costs will be assessed.

4. When a defendant is charged on the same citation with an offense waivable under this schedule and one that is not waivable, the defendant must appear in court to answer both the waivable and nonwaivable charge.

5. This schedule does not apply if: (a) based on the facts of the case, replacement costs may be assessed against the defendant if he is determined to be guilty; or (b) a previous conviction of the conservation laws within the last three years is alleged so as to make the offense punishable under G.S. 113-135(a) (2).