

MARINE FISHERIES OFFENSES FOR WHICH COURT APPEARANCE MAY BE WAIVED

(on execution of written waiver of appearance and trial, and plea of guilty/responsible)

(Adopted by the Conference of Chief District Court Judges, October 20, 2021, pursuant to G.S. 7A-148)

Applies To Offenses Committed On Or After December 1, 2021

A. LICENSE VIOLATIONS

1. Fishing without having ready at hand for inspection licenses, assignments, or endorsements, or refusing to exhibit same. [G.S. 113-168.1] \$ 35 and Costs
2. Exceed personal use shellfish limit. [G.S. 113-169.2] \$ 35 and Costs
3. Recreational fishing with commercial fishing equipment without recreational commercial gear license. [G.S. 113-173] \$ 35 and Costs
4. Recreational fishing without a valid license in violation of G.S. 113-174.1 \$ 35 and Costs

B. SIZE LIMITS

1. Size limit violations for undersized oysters [15A NCAC 3K .0202], clams [15A NCAC 3K .0301], crabs [15A NCAC 3L .0201], finfish [15A NCAC 3M .0500], or lobster [15A NCAC 3L .0301, .0302]..... \$ 50 and Costs
2. Possession of oversized red drum. [15A NCAC 3M .0501] \$200 and Costs

C. CREEL LIMITS

1. Possession of more than legal limit of shellfish under 15A NCAC 3K .0100-.0500.
Exceeding limit by 20% or less \$ 35 and Costs
Exceeding limit by more than 20% \$ 75 and Costs
2. Possession of more than legal limit of finfish under 15A NCAC 3M .0500.
Exceeding limit by 50% or less \$ 35 and Costs
Exceeding limit by more than 50% \$ 75 and Costs
3. Possession of more than legal limit of blue crabs under 15A NCAC 3L .0201.
Exceeding limit by 20% or less \$ 35 and Costs
Exceeding limit by more than 20%..... \$ 75 and Costs
4. Possession of more than legal limit of shrimp under 15A NCAC 3L .0105.
Exceeding limit by 20% or less \$ 35 and Costs
Exceeding limit by more than 20%..... \$ 75 and Costs
5. Possession of more than legal limit of lobster under 15A NCAC 3L .0301, .0302.
Exceeding limit by 20% or less \$ 35 and Costs
Exceeding limit by more than 20%..... \$ 75 and Costs

D. TRAWLING VIOLATIONS

1. Trawling in closed area for persons not in charge.
[15A NCAC 3L .0101, .0202; 3N .0104, .0105; 3R .0106] \$ 75 and Costs
2. Use trawl net during weekend closure period for persons not in charge. [15A NCAC 3J .0104] \$ 75 and Costs

E. CRAB VIOLATIONS

1. Taking crabs in closed area. [15A NCAC 3L .0203 or .0205] \$ 35 and Costs
2. Using pots in non-designated area or during closed season. [15A NCAC 3J .0301] \$ 35 and Costs

F. SHELLFISH VIOLATIONS

1. Taking oysters, clams or mussels from temporarily closed polluted waters.
[15A NCAC 3K .0101] \$ 75 and Costs
2. Possess oysters, clams or mussels without harvest tag. [15A NCAC 3K .0109] \$ 35 and Costs
3. Taking or unloading oysters or clams on Sunday or at night. [15A NCAC 3K .0106] \$ 35 and Costs
4. Taking oysters [15A NCAC 3K .0201] or scallops [15A NCAC 3K .0501]
during closed season or days \$ 35 and Costs
5. Taking clams by mechanical method in closed area or during closed season,
for person not in charge. [15A NCAC 3K .0302] \$ 50 and Costs

G. MISCELLANEOUS VIOLATIONS

1. Leave pots or gill nets unattended. [15A NCAC 3I .0105] \$ 35 and Costs
2. Improper use of gill nets in ICWW channel. [15A NCAC 3J .0103] \$ 35 and Costs
3. Possess finfish without having head and tail attached. [15A NCAC 3M .0101] \$ 35 and Costs
4. Using gill nets without proper buoy or identification. [15A NCAC 3J .0103] \$ 35 and Costs
5. Using pots without proper buoy or identification. [15A NCAC 3J .0301, .0302] \$ 35 and Costs

- 6. Using prohibited gear in primary nursery area for persons not in charge. [15A NCAC 3N .0104]\$ 50 and Costs
- 7. Failure to properly complete trip tickets or turn in by deadline. [15A NCAC 3I .0114]\$ 35 and Costs
- 8. Possess Nassau grouper, goliath grouper, or sturgeon. [15A NCAC 3M .0508, .0512]\$150 and Costs
- 9. Taking menhaden or Atlantic thread herring using purse seine net deployed by mother ship and one or more runner boats in coastal fishing waters. [G.S. 113-187(e)]\$ 50 and Costs
- 10. Making false statement on aquaculture leasehold utilization form. [G.S. 113-217(o)]\$ 50 and Costs

H. COMMITTING ANY OFFENSE UNDER SUBCHAPTER IV OF CHAPTER 113 OF THE NORTH CAROLINA GENERAL STATUTES not on the mandatory appearance list\$ 35 and Costs

I. COMMITTING ANY OTHER VIOLATION OF MARINE FISHERIES COMMISSION REGULATIONS not punishable under G.S. 113-187\$ 35 and Costs

J. INTENTIONAL OR RECKLESS LITTERING UNDER G.S. 14-399(c)\$250 and Costs

K. UNINTENTIONAL LITTERING UNDER G.S. 14-399(c1)\$ 50 and Costs

OTHER POLICIES RELATING TO MARINE FISHERIES OFFENSES:

- 1. G.S. 7A-148 provides that the Conference of Chief District Court Judges shall prepare a “uniform schedule” of waivable fishing offenses under G.S. Chapter 113 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 this schedule are prohibited.
- 2. Where more than one charge is made on a criminal process or pleading, the defendant shall be fined only for the offense carrying the highest fine. Only one bill of costs will be assessed.
- 3. When a defendant is charged on the same criminal process or pleading with an offense(s) waivable under this schedule and an offense(s) that is not waivable, the defendant must appear in court to answer the waivable and non-waivable charges.
- 4. Marine Fisheries offenses are not waivable if: (1) a previous conviction of the Marine Fisheries laws within the last three years is alleged so as to make the offense punishable under G.S. 113-135(a)(2); (2) fish have been seized and will be sold, or vessels or equipment have been seized; (3) the offense with which defendant is charged is listed on the mandatory appearance list; or (4) replacement or disposition costs may be assessed against the defendant if he/she is determined to be guilty.
- 5. This schedule does not apply to littering charges under G.S. 14-399(c) or (c1), if the defendant is charged with a second offense under the subsection.
- 6. When a defendant is charged with multiple offenses arising out of the same event or transaction, only one criminal process or pleading should be used to the greatest extent possible given the limits of the electronic or paper pleadings provided by the North Carolina Administrative Office of the Courts.