

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**SESSION LAW 2009-120  
SENATE BILL 1011**

**AN ACT TO AMEND THE LAW GOVERNING THE SIZES OF TRAPS FOR TAKING  
WILD ANIMALS.**

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 113-291.6 reads as rewritten:

**"§ 113-291.6. Regulation of trapping.**

(a) No one may take wild animals by trapping upon the land of another without having in his possession written permission issued and dated within the previous year by the owner of the land or his agent. This subsection does not apply to public lands on which trapping is not specifically prohibited, including tidelands, marshlands, and any other untitled land.

(b) No one may take wild animals by trapping with any steel-jaw, leghold, or ~~conibear~~ conibear trap unless it:

- (1) Has a jaw spread of not more than seven and one-half inches.
- (2) Is horizontally offset with closed jaw spread of at least three sixteenths of an inch for a trap with a jaw spread of more than five and one-half inches. This subdivision does not apply if the trap is set in the water with quick-drown type of set.
- (3) Is smooth edged and without teeth or spikes.
- (4) Has a weather-resistant permanent tag attached legibly giving the trapper's name and address.

A steel-jaw or leghold trap set on dry land with solid anchor may not have a trap chain longer than eight inches from trap to anchor unless fitted with a shock-absorbing device approved by the Wildlife Resources Commission.

(c) No person may set or otherwise use a trap so that animals or birds when caught will be suspended. No hook of any type may be used to take wild animals or wild birds by trapping.

(d) ~~Trap number 330 of the conibear type or size~~ Conibear type traps that have an inside jaw spread or opening (width or height) greater than seven and one-half inches and no larger than 26 inches in width and 12 inches in height may only be set in the water and in areas in which beaver and otter may be lawfully trapped. For the purposes of this section:

- (1) A water-set trap is one totally covered by water with the anchor secured in water deep enough to drown the animal trapped quickly.
- (2) In areas of tidal waters, the mean high water is considered covering water.
- (3) In reservoir areas, covering water is the low water level prevailing during the preceding 24 hours.
- (4) Marshland, as defined in G.S. 113-229(n)(3), is not considered dry land.

(e) With respect to any lawfully placed trap of another set in compliance with the provisions of this section, no one without the express permission of the trapper may:

- (1) Remove or disturb any trap; or
- (2) Remove any fur-bearing animal from the trap.

This subsection does not apply to wildlife protectors or other law-enforcement officers acting in the performance of their duties.

(f) Nothing in this section prohibits the use of steel- or metal-jaw traps by county or State public health officials or their agents to control the spread of disease when the use of these traps has been declared necessary by the State Health Director.

(g) The Wildlife Resources Commission must include the trapping requirements of this section in its annual digest of hunting and trapping rules provided to each person upon purchase of a license."

**SECTION 2.** G.S. 113-291.9(c) reads as rewritten:



"(c) Notwithstanding G.S. 113-291.6(d) or any other law, it is lawful to set traps ~~number 330 of the conibear conibear type or size,~~ that have an inside jaw spread or opening (width or height) no larger than 26 inches in width and 12 inches in height if at least one-half of the trap is covered by water, when trapping beaver during the season for trapping beaver as established by the Wildlife Resources Commission."

**SECTION 3.** This act becomes effective October 1, 2009.

In the General Assembly read three times and ratified this the 11<sup>th</sup> day of June, 2009.

s/ Marc Basnight  
President Pro Tempore of the Senate

s/ Joe Hackney  
Speaker of the House of Representatives

s/ Beverly E. Perdue  
Governor

Approved 11:26 a.m. this 19<sup>th</sup> day of June, 2009