

N.C.P.I.-Crim. 222.65
TRESPASSING FOR THE PURPOSE OF [HUNTING] [FISHING] [TRAPPING].
MISDEMEANOR.
GENERAL CRIMINAL VOLUME
JUNE 2012
N.C. Gen. Stat. § 14-159.6 (a)

222.65 TRESPASSING FOR THE PURPOSE OF [HUNTING] [FISHING]
[TRAPPING]. MISDEMEANOR.

The defendant has been charged with trespassing for the purpose of [hunting] [fishing] [trapping].¹

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the defendant willfully went on the [land] [waters] [ponds] [legally established waterfowl blind] of another;

Second, that this property had been posted by (*describe method of posting under N.C. Gen. Stat. § 14-159.7*);

Third, that the defendant went on this property to [hunt] [fish] [trap];

And Fourth, that the defendant went on this property without the written permission of the [landowner] [landowner's agent] [lessee] [lessee's agent].²

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant willfully went on the [land] [waters] [ponds] [legally established waterfowl blind] of another, that this property had been posted by (*describe method of posting under N.C. Gen. Stat. § 14-159.7*), that the defendant did so to [hunt] [fish] [trap], and that the defendant did so without the written permission of the [landowner] [landowner's agent] [lessee] [lessee's agent], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, then it would be your duty to return a verdict of not guilty.

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1. N.C. Gen. Stat. § 14-159.6 (c) states that "It is an affirmative defense to a prosecution under subsection (a) or (b) of this section that the person had in fact obtained prior permission of the owner, lessee, or agent as required by those subsections but did not have on his or her person valid written permission at the time of citation or arrest."

2. N.C. Gen. Stat. § 14-159.6 (a) goes on to describe the meaning of "written permission": "Written permission shall be carried on one's person, signed by the landowner, lessee, or agent, and dated within the last 12 months. The written permission shall be displayed upon request of any law enforcement officer of the Wildlife Resources Commission, sheriff or deputy sheriff, or other law enforcement officer with general subject matter jurisdiction. A person shall have written permission for purposes of this section if a landowner, lessee, or agent has granted permission to a club to hunt, fish, or trap on the land and the person is carrying both a current membership card demonstrating the person's membership in the club and a copy of written permission granted to the club that complies with the requirements of this section."