

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 362 (Senator Astle)
Education, Health, and Environmental Affairs

Natural Resources - Suspension of Hunting Licenses and Privileges

This bill authorizes the Department of Natural Resources (DNR) to suspend an individual's hunting license or privileges for up to five years if the individual is convicted of violating specified State hunting laws and regulations or comparable provisions of federal law. DNR is authorized to suspend or withhold an individual's hunting license or privileges for up to one year if the individual is convicted of violating specified trespassing provisions. The bill also authorizes the court to suspend hunting privileges. DNR is required to suspend the hunting license and privileges of an individual for between one and five years if, in any 12-month period, the individual receives a second conviction for violations of specified State and federal law. An individual whose hunting license or privileges are suspended may not hunt, trap, pursue game, or chase fox or other furbearers anywhere in the State. DNR is authorized to adopt implementing regulations.

Fiscal Summary

State Effect: The bill is not expected to have a significant impact on State finances. However, to the extent the fine repealed by the bill is no longer collected, general fund revenues decrease.

Local Effect: The bill is not expected to impact local operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: A “conviction” is a plea or verdict of guilty or an accepted plea of *nolo contendere* (no contest). A “second conviction” is a conviction for a violation that arises out of a separate set of circumstances.

The bill deletes provisions that require (1) DNR to assess a \$5 fine for specified animals that are illegally hunted or possessed; and (2) hunting licenses to be suspended or withheld – for differing maximum periods of time – from individuals convicted of specified hunting violations.

Current Law: Individuals convicted of violating State wildlife regulations must be fined \$5 per bird, mammal, amphibian, or reptile illegally hunted or possessed, excluding game birds and mammals. When individuals are convicted of a second or subsequent violation within the same 12-month period, their hunting license must be suspended and they may not procure a hunting license the following calendar year.

Individuals who violate specified black bear regulations are subject to fines, imprisonment, and suspension of their hunting license and rights for up to two years after a first offense, and up to four years after a second or subsequent offense.

Individuals who violate specified game bird and mammal hunting requirements are guilty of a misdemeanor and upon conviction are subject to (1) a maximum fine of \$1,500 for a first offense; and (2) a maximum fine of \$4,000 or up to a year of imprisonment, or both, and suspension of their hunting license for one year, for a second or subsequent offense.

A court may suspend the hunting license, but not the hunting privileges, of any person who is convicted of (1) violating any State wildlife law or regulation for up to five years; and (2) trespassing while carrying a firearm or bow and arrow for the purpose of hunting for up to one year. A court may prevent individuals who lack a hunting license from obtaining one for up to one year, if they are convicted of trespassing while carrying a firearm or bow and arrow for the purpose of hunting.

A person whose hunting license is suspended may not hunt on any lands where a hunting license is required, or purchase or attempt to purchase another hunting license during the period of suspension.

Background: Among other things, DNR’s Wildlife and Heritage Service is responsible for balancing the ecological needs of the State’s wildlife resources with societal needs and desires. The Wildlife and Heritage Service, in cooperation with the Natural Resources Police, is responsible for administering and enforcing the State’s hunting programs, laws, and regulations.

There are currently 120,630 licensed hunters in the State. DNR issues a multitude of hunting licenses and stamps and sells approximately 366,749 licenses and stamps annually. DNR estimates that about 10 hunting licenses are suspended annually.

DNR advises that the bill would enable it to properly penalize egregious or chronic wildlife law violators and improve the deterrence of future violations, including compliance with hunting safety zones.

Additional Information

Prior Introductions: None.

Cross File: HB 363 (Delegates Frush and Beitzel) – Environmental Matters.

Information Source(s): Department of Natural Resources, Judiciary (Administrative Office of the Courts), Department of Legislative Services

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