

HOUSE BILL 301

M2
HB 636/10 – ENV

11r0659
CF 11r0726

By: **Delegates Frush and Beitzel**
Introduced and read first time: February 2, 2011
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Suspension of Hunting Licenses and Privileges**

3 FOR the purpose of authorizing the Department of Natural Resources to suspend for
4 certain periods of time the hunting license or privileges of a person who is
5 convicted of a State or federal hunting violation; requiring the Department to
6 suspend for a certain time period the hunting license or privileges of a person
7 who receives within a certain time period a certain second conviction for a
8 hunting violation; authorizing the Department to order that certain persons not
9 obtain a hunting license for a certain time period; repealing certain provisions of
10 law authorizing the Department to impose a certain fine and certain hunting
11 license suspensions for a conviction for certain hunting violations; authorizing a
12 court to suspend the hunting license of a person convicted of a federal hunting
13 violation and the hunting privileges of a person convicted of a State or federal
14 hunting violation; prohibiting a person whose hunting license is suspended from
15 hunting or performing certain hunting activities anywhere in the State;
16 prohibiting a person whose hunting privileges are suspended from hunting, or
17 performing certain activities related to hunting, in the State; authorizing the
18 Department to adopt regulations to implement this Act; clarifying certain
19 language; defining a certain term; and generally relating to the suspension of
20 hunting licenses and privileges in the State.

21 BY repealing and reenacting, with amendments,
22 Article – Natural Resources
23 Section 10–205, 10–423, 10–1101, and 10–1108
24 Annotated Code of Maryland
25 (2007 Replacement Volume and 2010 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

28 **Article – Natural Resources**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 10–205.

2 (a) Having a due regard for the distribution, abundance, economic value, and
3 breeding habits of wildlife, the Secretary may adopt regulations to enlarge, extend,
4 restrict, or prohibit hunting, possessing, selling, purchasing, shipping, carrying,
5 transporting, or exporting wildlife.

6 (b) [In addition to any other penalty provided in this title, any person
7 convicted of violating any regulation adopted by the Department shall be fined \$5 for
8 each bird, mammal, amphibian, or reptile illegally hunted or possessed. However, this
9 additional penalty does not apply to game birds and mammals. If a person is convicted
10 a second or subsequent time within the same 12 month period for a violation of the
11 regulations the Department adopts, the person:

12 (1) Shall have the person’s hunter’s license suspended; and

13 (2) May not procure a hunter’s license the following calendar year.

14 (c) Notwithstanding any other provision of law, the Department may use a
15 lottery–based system to issue hunting licenses, permits, or stamps.

16 10–423.

17 (a) Any penalty imposed under this section does not apply to an individual
18 who kills or wounds a black bear in defense of the individual’s own life, the lives of
19 other individuals, or the lives of animals on the individual’s property.

20 (b) If the Secretary adopts any regulation, including an emergency
21 regulation, under § 10–205 of this title or § 10–405 of this subtitle to prohibit the
22 hunting, possessing, selling, purchasing, shipping, carrying, transporting, or exporting
23 of black bears, a person who violates the regulation is subject to the following
24 penalties:

25 (1) For a first offense, a fine not exceeding \$1,500, imprisonment not
26 exceeding 6 months, or both [and suspension of the person’s hunting license and right
27 to hunt any bird or game animal for a period of time not exceeding 2 years]; and

28 (2) For a second or subsequent offense, a fine not exceeding \$2,000,
29 imprisonment not exceeding 1 year, or both [and suspension of the person’s hunting
30 license and right to hunt any bird or game animal for a period of time not exceeding 4
31 years].

32 10–1101.

1 (a) For the purpose of this title, each game bird or mammal taken illegally,
2 purchased, offered for purchase, sold, bartered, or exchanged in excess of the bag limit
3 or possessed illegally constitutes a separate offense.

4 (b) Any person who violates any provision of this title is guilty of a
5 misdemeanor. Unless another penalty is specifically provided elsewhere in this title,
6 the person, upon conviction, is subject to a fine not exceeding \$1,500, with costs
7 imposed in the discretion of the court.

8 (c) (1) Unless another penalty is specifically provided elsewhere in this
9 title any person found guilty of a second or subsequent violation of any provision of
10 this title, is subject to a fine not exceeding \$4,000, or imprisonment not exceeding 1
11 year, or both, with costs imposed in the discretion of the court.

12 (2) [In addition, the license under which the person operated in the
13 commission of the violation shall be suspended for 12 months from the date of the
14 second conviction.

15 (3)] For the purpose of this subsection, a second or subsequent violation
16 is a violation which has occurred within 2 years of any prior violation of this title and
17 which arises out of a separate set of circumstances.

18 (d) In addition to any administrative penalty provided in this title, violation
19 of any regulation adopted by any unit within the Department pursuant to the
20 provisions of this title is a misdemeanor and is punishable as provided in subsections
21 (b) and (c) of this section.

22 (e) This section does not apply to a violation of § 10-424(2) of this title.
23 10-1108.

24 (a) **IN THIS SECTION, "CONVICTION" MEANS:**

25 **(1) A PLEA OR VERDICT OF GUILTY; OR**

26 **(2) AN ACCEPTED PLEA OF NOLO CONTENDERE.**

27 **(B) (1) In addition to any other penalty, a court OR THE DEPARTMENT**
28 **may suspend FOR A PERIOD NOT EXCEEDING 5 YEARS the hunting license OR**
29 **HUNTING PRIVILEGES of any person who is convicted of violating IN THE STATE any**
30 **provision of this title [or], any regulation adopted under this title, [for a period not**
31 **exceeding 5 years] OR ANY COMPARABLE PROVISION OF FEDERAL LAW.**

32 **(2) (i) A court OR THE DEPARTMENT may suspend for not more**
33 **than 1 year the hunting license OR HUNTING PRIVILEGES of a person who is**

1 convicted of violating **THE TRESPASS PROVISIONS OF § 6-402** of the Criminal Law
2 Article while carrying a firearm or bow and arrow for the purpose of hunting.

3 (ii) When a person not holding a hunting license is convicted of
4 violating **THE TRESPASS PROVISIONS OF § 6-402** of the Criminal Law Article while
5 carrying a firearm or bow and arrow for the purpose of hunting, the court **OR THE**
6 **DEPARTMENT** may order that the person not obtain a hunting license for a period of
7 not more than 1 year.

8 (3) (I) **FOR THE PURPOSES OF THIS SUBSECTION, A SECOND**
9 **CONVICTION IS A CONVICTION FOR A VIOLATION THAT ARISES OUT OF A**
10 **SEPARATE SET OF CIRCUMSTANCES.**

11 (II) **THE DEPARTMENT SHALL SUSPEND THE HUNTING**
12 **LICENSE AND HUNTING PRIVILEGES OF A PERSON WHO, IN ANY 12-MONTH**
13 **PERIOD, RECEIVES A SECOND CONVICTION FOR VIOLATIONS DESCRIBED IN**
14 **PARAGRAPH (1) OF THIS SUBSECTION FOR A MINIMUM OF 1 YEAR AND A**
15 **MAXIMUM OF 5 YEARS.**

16 [(b)] (C) If a person whose hunting license is suspended under this section
17 passes another hunting safety course after the suspension has expired, the person may
18 reapply for and be issued a hunting license.

19 [(c)] (D) A person whose hunting license [is] **OR HUNTING PRIVILEGES**
20 **ARE** suspended under this section may not:

21 (1) Hunt [on any lands where a hunting license is required], **TRAP,**
22 **PURSUE GAME, OR CHASE FOX OR OTHER FURBEARERS ANYWHERE IN THE**
23 **STATE; or**

24 (2) Purchase or attempt to purchase another hunting license during
25 the period of suspension.

26 (E) **THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS**
27 **SECTION.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2011.