

**Department of Legislative Services**  
Maryland General Assembly  
2011 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 301

(Delegates Frush and Beitzel)

Environmental Matters

Education, Health, and Environmental Affairs

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**Natural Resources - Suspension of Hunting Licenses and Privileges**

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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 and expands the court's existing authority to suspend an individual's hunting license to violations of comparable provisions of federal law. 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 laws that DNR determines are not administrative or minor in nature. 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.

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**Fiscal Summary**

**State Effect:** The bill is not expected to have a significant impact on State finances. The fine repealed by the bill is typically no longer collected due to higher penalty provisions in regulations.

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

**Small Business Effect:** Minimal.

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## 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 (NRP), is responsible for administering and enforcing the State's hunting programs, laws, and regulations.

There were 112,838 licensed hunters (including nonresidents) during the 2010/2011 hunting season. DNR issues a multitude of hunting licenses and stamps and sells approximately 350,000 licenses and stamps annually. DNR advises 15 hunting licenses were suspended in 2010 and 18 hunting licenses were suspended in 2009.

Among other things, Chapter 367 of 2010 required DNR to submit a report that identifies statutory recommendations for improving NRP's effectiveness and efficiency. In December 2010, DNR submitted a report that made a variety of recommendations, including authorizing the courts and DNR to suspend the hunting license or privileges of a person who is convicted of a State or federal hunting violation. The report notes that such authority would enable DNR to properly penalize egregious or chronic wildlife violators and improve the deterrence of future violations, including compliance with hunting safety zones. The bill implements this recommendation.

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### **Additional Information**

**Prior Introductions:** HB 636 of 2010 passed the House but received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee. Its cross file, SB 362, received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 14, 2011  
ncs/lgc Revised - House Third Reader - March 17, 2011

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