

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 1031

(Senator Colburn)

Education, Health, and Environmental Affairs

Environmental Matters

Hunting - Domesticated Animals - Prohibited Acts

This bill prohibits a person from intentionally or willfully destroying or damaging any domesticated animal within the hunting safety zone while hunting or pursuing wildlife.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

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

Small Business Effect: None.

Analysis

Current Law: A person, other than the owner or occupant, may not shoot or discharge any firearm or other deadly weapon within 150 yards, known as the “safety zone,” of a dwelling house, residence, church, or other building or camp occupied by human beings without the specific advance permission of the owner or occupant. Also, a person, other than the owner or occupant, may not shoot at any animal while it is within the safety zone without the specific advance permission of the owner or occupant. For archery hunters in Carroll and Frederick counties, the safety zone extends for 50 yards from a dwelling house, residence, church, or other building or camp occupied by human beings. During any open hunting season, a person, other than the owner or occupant, may not hunt or chase willfully any animal within the safety zone without the specific advance permission of the owner or occupant.

While hunting or pursuing wildlife, a person may not (1) carelessly or negligently shoot, wound, or kill another person or (2) intentionally or willfully destroy or damage any real

property, personal property, or farm livestock of another person. The Department of Natural Resources (DNR) is authorized to suspend the hunting license for the violation above against another person, pending disposition of criminal proceedings. In addition to other penalties, DNR or the court may suspend an individual's hunting license or privileges for up to five years if he/she is convicted of a State or federal hunting violation.

Individuals who violate specified wildlife provisions of the Natural Resources Article and wildlife regulations are guilty of a misdemeanor and upon conviction are subject to (1) a maximum fine of \$1,500 for a first violation and (2) a maximum fine of \$4,000 and/or imprisonment for up to one year for a second or subsequent violation. A second or subsequent violation is one that occurs within two years of any prior wildlife violation and arises out of a separate set of circumstances.

A law enforcement officer may kill any dog, which does not bear a license, found destroying game birds or mammals or the nest or eggs of any game bird or mammal. A law enforcement officer must, and any person may, destroy any cat found hunting any game bird or mammal or protected bird or mammal. A cause of action for damages may not be maintained for this act.

A person may not intentionally mutilate, torture, cruelly beat, or kill an animal or cause or procure such an act. Except in the case of self-defense, a person may not intentionally inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit. A person who violates these provisions is guilty of the felony of aggravated cruelty to animals and is subject to maximum penalties of three years imprisonment and/or a \$5,000 fine. As a condition of probation, a court may prohibit a defendant from owning, possessing, or residing with an animal.

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.

In January 2013, a person shot a dog on private property near the dog's home in Dorchester County. The dog was shot near a deer stand. Because no one confessed to the shooting and there was insufficient evidence to charge an individual, the case was closed.

Additional Information

Prior Introductions: None.

Cross File: HB 1482 (Delegate Cane) - Environmental Matters.

Information Source(s): Department of Natural Resources, Dorchester Sheriff
Department, Department of Legislative Services

Fiscal Note History: First Reader - March 13, 2013
mc/lgc Revised - Senate Third Reader - March 26, 2013
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