

HOUSE BILL 890

M2
HB 1518/10 – ENV

EMERGENCY BILL

4lr1665

By: **Delegates O'Donnell and Holmes**

Introduced and read first time: February 5, 2014

Assigned to: Environmental Matters

A BILL ENTITLED

AN ACT concerning

Natural Resources – Deer Hunting – Sundays

FOR the purpose of repealing certain provisions of law authorizing deer hunting on private property on certain Sundays in certain counties; authorizing the Department of Natural Resources to allow a person to hunt deer on private property on certain Sundays; providing for the application of this Act; making this Act an emergency measure; and generally relating to Sunday deer hunting on private land.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 10–410(a)

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 10–411 and 10–415

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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

Article – Natural Resources

10–410.

(a) (1) Except as provided in paragraphs (2), (3), AND (4)[, (6), and (7)] of this subsection, a person may not hunt any game bird or mammal on Sundays.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) The following persons may hunt the specified game birds and mammals on Sundays:

(i) A person using State certified raptors to hunt game birds or mammals during open season;

(ii) An unarmed person participating in an organized fox chase to chase foxes;

(iii) Provided that the provisions of § 10–906(b)(3) of this title are met, a person:

1. Using a regulated shooting ground under § 10–906 of this title to hunt the following pen-reared game birds:

A. Pheasants;

B. Bobwhite quail;

C. Chukar partridge;

D. Hungarian partridge;

E. Tower released flighted mallard ducks; and

F. Turkey on a regulated shooting ground that was permitted to release turkey before September 1, 1992; and

2. Having the written permission of the owner of the land or other person designated by the owner of the land, if the land is owned or leased by a person other than the person hunting on Sundays;

(iv) [Subject to the provisions of § 10–411 of this subtitle, in Allegany, Calvert, Caroline, Carroll, Charles, Dorchester, Frederick, Garrett, Harford, Queen Anne’s, St. Mary’s, Somerset, Talbot, Washington, Wicomico, and Worcester counties, a person hunting deer on private property with a bow and arrow or crossbow during open season on the last three Sundays in October and the second Sunday in November;

(v)] Except on Easter Sunday, in Allegany County and Garrett County, a person hunting turkey on the last Sunday in April and the first Sunday in May;

[(vi)] (v) In Calvert County, Caroline County, Charles County, Dorchester County, and St. Mary’s County, a person hunting turkey on private property on any Sunday during the spring turkey hunting season; and

[(vii)] **(VI)** In Dorchester County, a person hunting turkey on public land that is designated for hunting by the Department on any Sunday during the spring turkey hunting season.

(3) [Subject to the provisions of § 10–415 of this subtitle, in Calvert County, Caroline County, Charles County, Harford County, Queen Anne’s County, St. Mary’s County, Somerset County, and Worcester County, a person may hunt deer on private property on:

(i) The first Sunday of the bow hunting season in November;
and

(ii) Each Sunday in the deer firearms season.

(4) Provided that the provisions of § 10–415 of this subtitle are met and subject to paragraph (5) of this subsection, the Department may allow a person to hunt deer on private property on the first Sunday of:

(i) The bow hunting season in November; and

(ii) The deer firearms season.

(5) The Sunday deer hunting provisions under paragraph (4) of this subsection do not apply:

(i) In Baltimore, Howard, and Prince George’s counties; and

(ii) In Baltimore City.

(6) (i) This paragraph applies only in Carroll County.]

(I) THIS PARAGRAPH DOES NOT APPLY IN BALTIMORE, HOWARD, OR PRINCE GEORGE’S COUNTIES, OR BALTIMORE CITY.

(ii) Subject to §§ 10–411 and 10–415 of this subtitle, the Department may allow a person to hunt deer on a Sunday on private property from the first Sunday in October through the second Sunday in January of the following year, inclusive.

[(7)] **(4)** A person who is 16 years of age or younger may hunt deer with a firearm on a Sunday through participation in the junior deer hunt established under § 10–405(a) of this subtitle.

(a) A person may not upon any pretense come to hunt on the lands owned by another person without the written permission of the landowner or the landowner's agent or lessee.

(b) Any person hunting on this private property is liable for any damage the person causes to the private property while hunting on the private property.

(c) The landowner may not be liable for accidental injury or damage to the person whether or not the landowner or the landowner's agent gave permission to hunt on the private property.

(d) In Harford County a person who violates subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to a fine of not less than \$25 and not exceeding \$250.

10-415.

(a) There are the following 3 seasons to hunt deer:

- (1) Deer bow hunting season;
- (2) Deer firearms season; and
- (3) Deer muzzle loader season.

(b) (1) Every person killing a deer shall report with the deer to a designated checking station within 24 hours after killing the deer.

(2) Notwithstanding any requirement of law, if the designated checking stations are closed in the county where a person kills a deer, a Natural Resources police officer shall authorize the person to report with the deer to a designated checking station in another county.

(c) (1) A person with a hunting license also may purchase bonus deer stamps from the Department.

(2) A bonus deer stamp allows a person with the hunting license to hunt 1 deer for each stamp purchased in any of the following hunting seasons for deer in the State:

- (i) Deer bow hunting season;
- (ii) Deer muzzle loader season; and
- (iii) Deer firearms season.

(3) An individual who purchases a bonus antlered deer stamp but does not use it during a particular season may use that stamp during any subsequent season in that hunting license year.

(4) The fee for each bonus antlered deer stamp issued in accordance with this subsection shall be \$10.00 for residents and \$25.00 for nonresidents.

(5) The Department may establish by regulation the type and number of deer stamps issued under this subsection if necessary to control the deer harvest in various areas of the State.

(d) Repealed.

(e) A person may not remove the head or hide or any part from any deer, except internal organs, or cut the meat into parts until the deer has been checked by the Department or 1 of the Department's agents at a designated checking station. Removal of the head or the hide of any deer not checked at a designated checking station shall be prima facie evidence that the deer was hunted illegally. Each separate deer or part of any deer taken illegally or found in possession shall be considered a separate offense.

(f) Any person who, while operating a motor vehicle on any highway in the State, accidentally strikes and kills a deer on the highway may have the deer if the person produces visible evidence of collision with the deer to any Natural Resources police officer, State law enforcement officer, or other designated representative of the Secretary. The provisions of this subsection shall be applicable to deer killed by collision with a motor vehicle at any time whether during the open season for killing deer or during the legally closed season.

(g) A person may not hunt a deer while the deer is taking refuge in or swimming through the waters of the State.

(h) Abrogated.

(i) Upon written request from a federal facility for a variance from the established deer hunting season, the Department shall review the request and may:

(1) Approve the request;

(2) Deny the request; or

(3) Approve the request with conditions.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members

elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.