

BY: Environment and Transportation Committee

AMENDMENTS TO SENATE BILL 266
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 3 in its entirety and substitute “Natural Resources – Poaching Restitution Act of 2016”; in line 4, after “requiring” insert “a court to order”; in lines 4 and 5, strike “violating certain provisions involving certain” and substitute “poaching”; in line 5, after “deer” insert “on any land in the State”; in line 6, strike “finer” and substitute “restitution”; in lines 6 and 7, strike “in accordance with certain requirements” and substitute “under certain circumstances and to perform community service under certain circumstances”; in line 9, strike “finer” and substitute “restitution”; in line 17, after “term,” insert “providing for the application of certain provisions of this Act”; and in lines 17 and 18, strike “illegally hunting, killing, or taking” and substitute “poaching”.

On page 2, after line 3, insert:

“BY renumbering

Article – Natural Resources

Section 10-101(q) through (cc), respectively

to be Section 10-101(r) through (dd), respectively

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)”;

in line 6, after “Section” insert “10-101(q) and”; in line 11, after “Section” insert “10-212(a) and”; in line 28, after “MARYLAND,” insert “That Section(s) 10-101(q) through (cc), respectively, of Article – Natural Resources of the Annotated Code of Maryland be renumbered to be Section(s) 10-101(r) through (dd), respectively.”; and in line 32, strike “That” and substitute “SECTION 2. AND BE IT FURTHER ENACTED, That”.

AMENDMENT NO. 2

(Over)

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On page 2, after line 34, insert:

“10-101.

(Q) “POACHING” MEANS THE ILLEGAL HUNTING, KILLING, OR TAKING OF GAME.

10-212.

(a) The General Assembly finds and declares that:

(1) Hunting is an important and traditional activity in which 14,000,000 Americans who are at least 16 years old participate;

(2) Hunters have been and continue to be among the foremost supporters of sound wildlife management and conservation practices in the United States;

(3) Hunters and hunting organizations provide direct assistance to wildlife managers and enforcement officers of federal, state, and local governments;

(4) Fees for hunting licenses, permits, and stamps, and taxes on goods used by hunters, have generated billions of dollars for wildlife conservation, research, and management;

(5) Hunting is an essential component of effective wildlife management, as it is an important tool for reducing conflicts between people and wildlife and provides incentives for the conservation of wildlife, habitats, and ecosystems on which wildlife depends; [and]

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(6) Hunting is an environmentally acceptable activity that occurs and can be provided for on State public lands without adverse effects on other uses of the lands; AND

(7) POACHING, AS DEFINED IN § 10-101 OF THIS TITLE, IS NOT ONLY A VIOLATION OF THE PUBLIC TRUST DOCTRINE, BUT ALSO VIOLATES THE TENETS OF SOUND WILDLIFE MANAGEMENT AND CONSERVATION PRACTICES STRICTLY ADHERED TO BY LAW-ABIDING SPORTSMEN AND SPORTSWOMEN WHO DEEM THE ACT INTOLERABLE.”.

On page 3, in line 28, strike “10-1101.1.”.

On pages 4 and 5, strike beginning with “(A)” in line 24 on page 4 down through “(E)” in line 14 on page 5 and substitute:

“10-1101.1.

(A) (1) NOTWITHSTANDING § 10-1101 OF THIS SUBTITLE, IF A PERSON IS CONVICTED OF POACHING DEER ON ANY LAND IN THE STATE, THE COURT SHALL ORDER THE PERSON TO PAY THE STATE RESTITUTION IN ACCORDANCE WITH THIS SECTION.

(2) FOR AN ACT OF POACHING THAT INVOLVES TRESPASSING ON ANOTHER’S PROPERTY, THIS SECTION APPLIES WITH RESPECT TO THE TRESPASS VIOLATION ONLY IF THE PERSON TRESPASSES IN A KNOWING OR WILLFUL MANNER.

(B) (1) FOR EACH SIKA DEER OR ANTLERED WHITE-TAILED DEER THAT OBTAINS A SCORE OF 150 GROSS INCHES OR LESS, AS MEASURED BY THE

(Over)

BOONE AND CROCKETT CLUB'S SCORING SYSTEM FOR WHITE-TAILED DEER, A PERSON CONVICTED OF POACHING DEER SHALL:

(I) PAY RESTITUTION OF NOT LESS THAN \$2,000 BUT NOT EXCEEDING \$5,000, IN AN AMOUNT DEEMED REASONABLE BY THE COURT; AND

(II) PERFORM 80 HOURS OF COMMUNITY SERVICE.

(2) FOR EACH ANTLERED WHITE-TAILED DEER THAT OBTAINS A SCORE OF MORE THAN 150 GROSS INCHES, AS MEASURED BY THE BOONE AND CROCKETT CLUB'S SCORING SYSTEM FOR WHITE-TAILED DEER, A PERSON CONVICTED OF POACHING DEER SHALL:

(I) PAY RESTITUTION OF NOT LESS THAN \$5,000 BUT NOT EXCEEDING \$10,000, IN AN AMOUNT DEEMED REASONABLE BY THE COURT; AND

(II) PERFORM 80 HOURS OF COMMUNITY SERVICE.

(3) FOR EACH ANTLERLESS WHITE-TAILED DEER, A PERSON CONVICTED OF POACHING DEER SHALL:

(I) PAY RESTITUTION OF NOT LESS THAN \$300 BUT NOT EXCEEDING \$500, IN AN MOUNT DEEMED REASONABLE BY THE COURT; OR

(II) PERFORM 40 HOURS OF COMMUNITY SERVICE.

(C) THE RESTITUTION COLLECTED UNDER THIS SECTION SHALL BE CREDITED TO THE STATE WILDLIFE MANAGEMENT AND PROTECTION FUND, ESTABLISHED UNDER § 10-209 OF THIS TITLE.

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(D);

in line 19, strike "**FINE**" and substitute "**RESTITUTION**"; and in lines 26 and 34, strike "**2.**" and "**3.**", respectively, and substitute "**3.**" and "**4.**", respectively.

On page 6, in line 3, strike "**4.**" and substitute "**5.**".