SHALL PAY RESTITUTION TO THE STATE FOR THE

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1998 Regular Session 8lr1383

By: Delegate Weir Introduced and read first time: February 9, 1998 Assigned to: Environmental Matters A BILL ENTITLED 1 AN ACT concerning 2 Hunting - Killing Wildlife by Accident or Mistake 3 FOR the purpose of providing that a person who kills wildlife under certain conditions pay certain restitution to the State; and generally relating to hunting and the 4 5 payment of restitution. 6 BY repealing and reenacting, with amendments, Article - Natural Resources 7 Section 10-1107 8 Annotated Code of Maryland 9 10 (1990 Replacement Volume and 1997 Supplement) 11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 12 MARYLAND, That the Laws of Maryland read as follows: 13 **Article - Natural Resources** 14 10-1107. 15 (a) [If] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, (1) 16 IF a person is convicted of violating any provision of this title and the violation causes 17 or results in the injury, death, or destruction of any wildlife, including a protected 18 species of animal, in addition to any other penalty provided in this title, the court may 19 order the person to pay restitution to the State for the resource value of the wildlife, 20 as determined by the court, taking into account regulations adopted by the 21 Department under subsection (b) of this section. 22 EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS (I) 23 PARAGRAPH, A PERSON WHO, WHILE HUNTING FOR WILDLIFE THAT MAY BE 24 LAWFULLY TAKEN, BY ACCIDENT OR MISTAKE KILLS ANY WILDLIFE CONTRARY TO 25 THE PROVISIONS OF THIS TITLE:

27 RESOURCE VALUE OF THE WILDLIFE, AS DETERMINED BY THE COURT, TAKING INTO

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1 ACCOUNT REGULATIONS ADOPTED BY THE DEPARTMENT UNDER SUBSECTION (B) OF 2 THIS SECTION; AND MAY NOT HAVE THE PERSON'S HUNTING LICENSE 4 REVOKED OR BE SUBJECT TO ANY OTHER PENALTY UNDER THIS TITLE. A PERSON WHO, BY ACCIDENT OR MISTAKE, KILLS ANY 6 WILDLIFE SHALL: 7 1. REMOVE THE ENTRAILS: 2. TAG THE WILDLIFE WITH THE STATEMENT: "MISTAKENLY 8 9 KILLED": 10 3. IMMEDIATELY DELIVER THE CARCASS TO A CHECKING 11 STATION AND NOTIFY THE DEPARTMENT, A NATURAL RESOURCES POLICE OFFICER, 12 OR ANOTHER DESIGNATED REPRESENTATIVE OF THE SECRETARY; AND 13 ON REQUEST BY THE DEPARTMENT, A NATURAL 4. 14 RESOURCES POLICE OFFICER, OR ANOTHER DESIGNATED REPRESENTATIVE OF THE 15 SECRETARY, FILE A WRITTEN SWORN STATEMENT EXPLAINING WHEN, WHERE, AND 16 HOW THE ACCIDENT OR MISTAKE OCCURRED. 17 IF IT APPEARS AFTER FURTHER INVESTIGATION THAT THE (III)18 KILLING WAS NOT AN ACCIDENT OR MISTAKE BUT WAS CAUSED BY NEGLIGENCE OR 19 CARELESSNESS OF THE PERSON, THE PERSON MAY BE PROSECUTED FOR THE 20 UNLAWFUL KILLING OF WILDLIFE AND, ON CONVICTION, MAY BE SUBJECT TO ALL 21 AVAILABLE PENALTIES UNDER THIS TITLE INCLUDING AN ORDER FOR RESTITUTION. 22 (b) The Department, by regulation, shall establish a schedule of resource 23 values for individual species or describe a system that a court may use in determining 24 the resource value for the species. The Department may use, but not be limited to, 25 known values to actually replace lost species or the Department may ascribe to a 26 species a value which the individual wildlife or plant provides to the greater public 27 good for the citizens of Maryland. If 2 or more defendants are convicted for the same violation causing 28 (c) (1) 29 or resulting in the injury, death, or destruction of protected species of animal, the 30 court may impose restitution against them jointly and equally. 31 Restitution under this section shall be paid within the time (2) 32 prescribed by the court. 33 In each instance, the court shall order the person to pay the 34 restitution to the State. Moneys paid under this section shall be credited to the 35 Department to be used only for the replacement, habitat management, or 36 enforcement programs for injured, killed, or destroyed wildlife or protected species of 37 animals.

- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 2 October 1, 1998.