

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

House Bill 380 (Delegate Gordon. *et al.*)

Environmental Matters

Natural Resources - Nongame and Endangered Species Conservation Act - Penalties and Searches

This bill allows the Department of Natural Resources (DNR) to assess a civil penalty of up to \$500 for violations of the Nongame and Endangered Species Conservation Act, after the opportunity for a public hearing. The bill also provides that if the fine is not paid a lien may be placed on the person's real or personal property in favor of the State. In addition, the bill specifies that a person who willfully and knowingly violates the Nongame and Endangered Species Conservation Act is guilty of a misdemeanor and thus subject to the current law penalty of a fine of up to \$1,000 and imprisonment of up to one year or both. Finally, the bill requires the Natural Resources Police to conduct any search of any business records used or possessed in connection with a violation of the Nongame and Endangered Species Conservation Act on the premises where the business records are kept.

Fiscal Summary

State Effect: Potential minimal decrease in general fund revenues and expenditures due to an addition of a specific intent element. Potential minimal increase in general fund revenues due to the bill's civil penalty provision. Minimal general fund expenditure increase associated with additional overtime.

Local Effect: Potential minimal decrease in revenues and expenditures due to the bill's penalty provisions.

Small Business Effect: Minimal.

Fiscal Analysis

State Revenues: The bill could result in fewer violators of the Nongame and Endangered Species Conservation Act actually being prosecuted and convicted as a result of law enforcement officials having to prove that the individuals “willfully and knowingly” violated the law. As a result, general fund revenues could decrease minimally as a result of the bill’s monetary penalty provisions from cases heard in the District Court which would be attributed to the bill’s specific intent element.

State Expenditures: General fund expenditures could decrease minimally as a result of the bill’s incarceration penalty due to decreased payments to counties for reimbursement of inmate costs and fewer people being committed to Division of Correction (DOC) facilities, which would be the result of the bill’s specific intent element. The number of people convicted of this proposed crime is expected to be minimal.

General fund revenues could increase by an indeterminate amount as a result of the bill’s civil penalty provision.

In addition, DNR advises that overtime expenditures for the Natural Resources Police (NRP) could increase by up to \$28,000 annually as a result of having to conduct investigations for some permitted activities that they are not currently involved in. It is estimated that the bill could result in the NRP being involved in an additional 200 investigations annually.

Local Revenues: Revenues could decrease minimally as a result of the bill’s monetary penalty provision from cases heard in the circuit courts, which would be the result of the bill’s specific intent element.

Local Expenditures: Expenditures could decrease as a result of the bill’s incarceration penalty, which would be the result of the bill’s specific intent element. Counties pay the full cost of incarceration for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$15 to \$80 per inmate in fiscal 2000.

Information Source(s): Department of Natural Resources, Office of Administrative Hearings, Department of Legislative Services

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