

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

Senate Bill 168 (Senator Baker)

Judicial Proceedings

Natural Resources - Criminal Charges - Search and Seizure in Connection with Offense

This bill expands the search and seizure authority of Natural Resources Police officers with respect to specified offenses relating to fish and wildlife. Specifically, it allows police officers to perform searches and seizures in instances in which an offender is charged with a violation.

Fiscal Summary

State Effect: The bill would not materially affect State operations or finances. The bill will allow police officers to continue to issue citations for most violations. The bill is not anticipated to have a significant impact on the number of arrests made.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Natural Resources Police have search and seizure authority in connection with specified offenses relating to fish and wildlife. That authority is limited to instances in which arrests are made.

Background: Historically, the courts interpreted the term “arrest” to include citations and other charging documents. Recently, however, the issuance of a citation by an officer has not been considered to be an arrest, and the seizure of fish, wildlife, records,

equipment or property used in connection with the violation when a citation is issued has been ruled to be unlawful. According to the Department of Natural Resources, the issuance of a citation for natural resources violations is the most effective and efficient way in which an officer can notify an individual of a violation.

The Natural Resources Police is Maryland's oldest State law enforcement agency and one of the oldest conservation law enforcement agencies in the country. Throughout Maryland, the Natural Resources Police has full police powers. It protects life and property, preserves the peace, prevents crime, detects and apprehends criminals, and safeguards individual rights. Natural Resources Police officers protect the safety and welfare of Marylanders enjoying the outdoors and enforce natural resource laws and regulations governing fishing, hunting, boating, water pollution, and wildlife conservation.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, District Court, Department of Legislative Services

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Analysis by: Lesley Frymier

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510