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By: **Prince George's County Delegation and Montgomery County  
Delegation**

Introduced and read first time: February 6, 2002  
Assigned to: Environmental Matters

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Committee Report: Favorable  
House action: Adopted  
Read second time: March 18, 2002

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland-National Capital Park and Planning Commission - Citations -**  
3 **Hunting**  
4 **PG/MC 119-02**

5 FOR the purpose of authorizing the Maryland-National Capital Park and Planning  
6 Police to issue citations for certain violations in a certain manner; prohibiting  
7 hunting on property owned, operated, or leased by the Maryland-National  
8 Capital Park and Planning Commission without permission of the Commission;  
9 providing that certain violations are a misdemeanor subject to certain penalties;  
10 clarifying certain provisions relating to certain violations; and generally relating  
11 to Maryland-National Capital Park and Planning Commission property and  
12 hunting.

13 BY repealing and reenacting, with amendments,  
14 Article 28 - Maryland-National Capital Park and Planning Commission  
15 Section 2-120  
16 Annotated Code of Maryland  
17 (1997 Replacement Volume and 2001 Supplement)

18 BY adding to  
19 Article 28 - Maryland-National Capital Park and Planning Commission  
20 Section 2-120.1 and 5-113.1  
21 Annotated Code of Maryland  
22 (1997 Replacement Volume and 2001 Supplement)

1 BY repealing and reenacting, without amendments,  
2 Article 28 - Maryland-National Capital Park and Planning Commission  
3 Section 5-113  
4 Annotated Code of Maryland  
5 (1997 Replacement Volume and 2001 Supplement)

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

8 **Article 28 - Maryland-National Capital Park and Planning Commission**

9 2-120.

10 Every act or omission designated as a misdemeanor in this article, unless  
11 otherwise provided, shall be punishable before any District Court or the circuit court  
12 of the county in which the offense is committed. It may be brought by warrant or  
13 indictment upon the oath or information of any member of the Commission or the  
14 employee thereof or any other person. [Upon] EXCEPT AS OTHERWISE PROVIDED IN  
15 THIS ARTICLE, ON conviction thereof, the offender shall be subject to a fine not  
16 exceeding \$500 or to 90 days imprisonment in the county jail, or both, in the  
17 discretion of the court. If the act or omission is of a continuing nature, or is persisted  
18 in, in violation of the provisions of this article, or of any regulation enacted or decision  
19 made under the powers granted in this article, each and every day during which the  
20 act or omission continues or is persisted in shall be deemed a separate misdemeanor.

21 2-120.1.

22 (A) IF A PARK POLICE OFFICER APPREHENDS A PERSON FOR VIOLATING ANY  
23 LAW PUNISHABLE UNDER § 5-113.1 OF THIS ARTICLE AS A MISDEMEANOR, THE  
24 OFFICER MAY PREPARE AND SIGN A WRITTEN CITATION CONTAINING A NOTICE TO  
25 APPEAR IN COURT, THE NAME AND ADDRESS OF THE PERSON CHARGED,  
26 APPROPRIATE LICENSE NUMBERS, IF ANY, THE OFFENSE CHARGED, THE TIME AND  
27 PLACE THE PERSON SHALL APPEAR IN COURT, AND OTHER PERTINENT  
28 INFORMATION REQUIRED BY THE COMMISSION.

29 (B) THE PERSON CHARGED MAY GIVE WRITTEN PROMISE TO APPEAR IN  
30 COURT BY SIGNING THE CITATION PREPARED BY THE OFFICER. IF THE PERSON SO  
31 PROMISES, THE OFFICER IS NOT REQUIRED TO TAKE THE PERSON INTO PHYSICAL  
32 CUSTODY FOR THE VIOLATION UNLESS THE PERSON CHARGED DOES NOT FURNISH  
33 SATISFACTORY EVIDENCE OF IDENTITY OR THE OFFICER HAS REASONABLE  
34 GROUNDS TO BELIEVE THE PERSON CHARGED WILL DISREGARD A WRITTEN  
35 PROMISE TO APPEAR.

36 (C) A PERSON MAY NOT VIOLATE THE PERSON'S WRITTEN PROMISE TO  
37 APPEAR IN COURT UNLESS SUFFICIENT COLLATERAL FOR THE OFFENSE IS POSTED,  
38 THE FINE IS PAID IN ADVANCE OF TRIAL, OR THE PERSON IS REPRESENTED BY  
39 COUNSEL IN COURT.

1 (D) (1) IF A PERSON FAILS TO COMPLY WITH THE NOTICE TO APPEAR IN A  
2 CITATION ISSUED UNDER THIS SECTION, THE COURT MAY:

3 (I) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION,  
4 ISSUE A WARRANT FOR THE PERSON'S ARREST; OR

5 (II) AFTER 5 DAYS, NOTIFY THE COURT CLERK OF THE PERSON'S  
6 NONCOMPLIANCE.

7 (2) ON RECEIPT OF NOTICE OF NONCOMPLIANCE FROM THE COURT,  
8 THE CLERK SHALL NOTIFY THE PERSON BY MAIL AT THE ADDRESS INDICATED ON  
9 THE CITATION THAT A WARRANT FOR THE PERSON'S ARREST MAY BE ISSUED BY THE  
10 COURT UNLESS, WITHIN 15 DAYS AFTER THE DATE ON WHICH THE NOTICE IS  
11 MAILED, THE PERSON:

12 (I) PAYS THE FINE ON THE ORIGINAL CHARGE AS PROVIDED FOR  
13 IN THE ORIGINAL CITATION AND AN ADDITIONAL FINE OF \$100 FOR FAILING TO  
14 APPEAR; OR

15 (II) POSTS BOND OR A PENALTY DEPOSIT AND REQUESTS A NEW  
16 TRIAL DATE.

17 (3) IF A PERSON FAILS TO PAY THE FINES OR POST THE BOND OR  
18 PENALTY DEPOSIT UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COURT MAY  
19 ISSUE A WARRANT.

20 (4) WHEN THE ORIGINAL OFFENSE IS NOT PUNISHABLE BY  
21 IMPRISONMENT, A WARRANT MAY NOT BE ISSUED FOR THE PERSON UNDER THIS  
22 SUBSECTION UNTIL 20 DAYS AFTER THE ORIGINAL TRIAL DATE HAVE ELAPSED.

23 5-113.

24 (a) The Commission may make rules and regulations for the government and  
25 use of all land or other property acquired by it or under its jurisdiction. It shall cause  
26 these rules and regulations to be posted outside each park headquarters building,  
27 community center, recreation center, or similar building in a developed park area.  
28 Following their promulgation, they shall be published at least three times within 60  
29 days, in one or more newspapers published in the metropolitan district, and the  
30 posting and publication shall be sufficient notice to all persons. The sworn certificate  
31 of any member of the Commission of the posting and publication shall be prima facie  
32 evidence thereof.

33 (b) (1) Any violation of a rule or regulation is a "Commission infraction"  
34 unless the violation is declared by law to be a criminal offense. For the purpose of this  
35 article, a Commission infraction is a civil offense.

36 (2) Commission police officers may deliver a citation to any person whom  
37 they adjudge to be committing a Commission infraction. A copy of the citation shall be  
38 retained by the issuing authority and shall bear his certification attesting to the truth  
39 of the matter therein set forth. The citation shall also contain:

- 1 (i) Name and address of the person charged;
- 2 (ii) The nature of the infraction;
- 3 (iii) The location and time that the infraction occurred;
- 4 (iv) The amount of the infraction fine assessed;
- 5 (v) The manner, location, and time in which the fine may be paid to  
6 the Commission; and
- 7 (vi) The person's right to elect to stand trial for the infraction.

8 (3) A pre-set fine not to exceed \$50 may be imposed for each conviction of  
9 a Commission infraction. The Commission is authorized to establish a schedule of  
10 pre-set fines for each conviction of a Commission infraction, which is payable by the  
11 recipient of the citation to the Commission within 20 calendar days of the receipt of  
12 the citation. Repeat offenders may be assessed a pre-set fine not to exceed \$100 for  
13 each repeat offense.

14 (4) A person receiving the citation for a Commission infraction may elect  
15 to stand trial for the offense by notifying the Commission of his intention of standing  
16 trial. The notice shall be given at least 5 days prior to the date of payment as set forth  
17 in the citation. Upon receipt of the notice of the intention to stand trial, the  
18 Commission shall forward to the District Court having venue a copy of the citation  
19 and the notice from the person who received the citation indicating his intention to  
20 stand trial. Upon receipt of the citation, the District Court shall schedule the case for  
21 trial and notify the defendant of the trial date. All fines, penalties, or forfeitures  
22 collected by the District Court for violations of Commission infractions shall be  
23 remitted to the Commission.

24 (5) If a person receiving a citation for an infraction fails to pay the fine  
25 for the infraction by the date of payment set forth on the citation and fails to file a  
26 notice of his intention to stand trial for the offense, a formal notice of the infraction  
27 shall be sent to the owner's last known address. If the citation has not been satisfied  
28 within 15 days from the date of the notice, he shall be liable for an additional fine not  
29 to exceed twice the original fine. If after 35 days the citation has not been satisfied,  
30 the Commission may request adjudication of the case through the District Court. The  
31 District Court shall thereupon promptly schedule the case for trial and summons the  
32 defendant to appear. The defendant's failure to respond to the summons is contempt  
33 of court.

34 (6) If any person is found by the District Court to have committed a  
35 Commission infraction, he shall be required to pay a fine in an amount not to exceed  
36 \$50 or in the event that the infraction is a repeat offense, \$100.

37 (7) Adjudication of a Commission infraction, as defined in this article, is  
38 not a criminal conviction for any purpose, nor does it impose any of the civil  
39 disabilities ordinarily imposed by a criminal conviction.

1 (8) In any proceeding for a Commission infraction before the District  
2 Court, the violation shall be prosecuted in the same manner and to the same extent as  
3 set forth for municipal infractions in Article 23A, § 3(b)(8) through (15), inclusive.

4 5-113.1.

5 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.

7 (B) (1) "ANIMAL" MEANS ANY BIRD OR MAMMAL OR ANY PART, EGG,  
8 OFFSPRING, OR DEAD BODY PART OF ANY OF THEM.

9 (2) "HUNT" MEANS TO PURSUE, CAPTURE, CATCH, KILL, GIG, TRAP,  
10 SHOOT, OR ATTEMPT TO PURSUE, CAPTURE, KILL, GIG, TRAP, OR SHOOT, OR IN ANY  
11 MANNER REDUCE ANY BIRD OR MAMMAL TO PERSONAL POSSESSION.

12 (C) A PERSON MAY NOT HUNT ANY ANIMAL ON PROPERTY OWNED BY,  
13 OPERATED BY, OR LEASED BY THE COMMISSION WITHOUT PRIOR WRITTEN  
14 AUTHORIZATION FROM THE COMMISSION.

15 (D) FOR THE PURPOSE OF THIS SECTION, EACH ANIMAL TAKEN ILLEGALLY BY  
16 HUNTING, OFFERED FOR PURCHASE, SOLD, BARTERED, OR EXCHANGED IN EXCESS  
17 OF THE BAG LIMIT OR POSSESSED ILLEGALLY CONSTITUTES A SEPARATE  
18 VIOLATION.

19 (E) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A  
20 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

21 (I) FOR A FIRST VIOLATION, A FINE NOT EXCEEDING \$1,500, WITH  
22 COSTS IMPOSED AT THE DISCRETION OF THE COURT; AND

23 (II) FOR EACH SUBSEQUENT VIOLATION, IMPRISONMENT NOT  
24 EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$4,000 OR BOTH, WITH COSTS  
25 IMPOSED AT THE DISCRETION OF THE COURT.

26 (2) FOR THE PURPOSE OF THIS SUBSECTION, A SUBSEQUENT VIOLATION  
27 IS A VIOLATION WHICH:

28 (I) OCCURS WITHIN 2 YEARS AFTER ANY PRIOR VIOLATION OF  
29 THIS SECTION; AND

30 (II) ARISES OUT OF A SEPARATE SET OF CIRCUMSTANCES.

31 (3) IN ADDITION TO THE PENALTIES IN PARAGRAPH (1)(II) OF THIS  
32 SUBSECTION, THE COURT MAY ORDER THE LICENSE UNDER WHICH THE PERSON  
33 OPERATED IN THE COMMISSION OF THE VIOLATION TO BE SUSPENDED FOR 12  
34 MONTHS FROM THE DATE OF THE SUBSEQUENT CONVICTION.

35 (F) (1) THE COMMISSION MAY ADOPT RULES AND REGULATIONS  
36 NECESSARY FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS SECTION.

1           (2)       VIOLATION OF ANY REGULATION ADOPTED BY THE COMMISSION  
2 UNDER THIS SUBSECTION IS A MISDEMEANOR AND IS PUNISHABLE AS PROVIDED IN  
3 SUBSECTION (E) OF THIS SECTION.

4       (G)       (1)       THE CHIEF JUDGE OF THE DISTRICT COURT OF MARYLAND MAY  
5 ESTABLISH, BY ADMINISTRATIVE REGULATION UNDER THE PROVISIONS OF § 1-605  
6 OF THE COURTS ARTICLE, A SCHEDULE OF PREPAYABLE FINES FOR A FIRST  
7 OFFENSE MISDEMEANOR VIOLATION OF THIS SECTION AND REGULATIONS ADOPTED  
8 UNDER THIS SECTION. THE AMOUNT OF A PREPAYABLE FINE MAY BE NO MORE THAN  
9 THE MAXIMUM AND NO LESS THAN THE MINIMUM CRIMINAL PENALTY  
10 ESTABLISHED BY THE GENERAL ASSEMBLY IN THIS SECTION.

11           (2)       BY PAYING A FINE SET UNDER THIS SECTION INSTEAD OF  
12 APPEARING FOR TRIAL IN DISTRICT COURT, A PERSON IS VOLUNTARILY ACCEPTING  
13 A CONVICTION FOR THE OFFENSE CHARGED.

14       (H)       IF THE DISTRICT COURT OR CIRCUIT COURT IMPOSES A FINE FOR A  
15 VIOLATION OF THIS SECTION, THE COURT SHALL COLLECT THE FINE AND FORWARD  
16 IT TO THE COMMISSION.

17       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
18 effect October 1, 2002.