

**Department of Legislative Services**

Maryland General Assembly

2002 Session

**FISCAL NOTE**

House Bill 764

(Prince George's County Delegation and Montgomery  
County Delegation)

Environmental Matters

Education, Health, and Environmental Affairs

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

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This bill makes it a misdemeanor to hunt any animal on property owned, operated, or leased by the Maryland-National Capital Park and Planning Commission without prior written authorization from the commission. The bill authorizes park police officers to issue a citation for any hunting violation on commission property. For a first offense, a person is subject to a fine of up to \$1,500. For each repeat offense, a person is subject to a fine of up to \$4,000 or up to one year imprisonment or both, as well as license suspension.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund expenditures due to the bill's penalty provisions.

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

**Small Business Effect:** Minimal.

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**Analysis**

**Bill Summary:** This bill makes it a criminal misdemeanor offense to hunt any animal on property owned, operated, or leased by the Maryland-National Capital Park and Planning Commission without prior written authorization from the commission. For a first

violation, a person is subject to a fine not exceeding \$1,500 plus any court costs; for each subsequent violation (defined as a separate incident occurring within two years of any prior violation), a person is subject to imprisonment not exceeding one year or a fine not exceeding \$4,000 or both, plus any court costs. A court may also order the person's hunting license to be suspended for up to 12 months for subsequent violations. The commission may adopt rules and regulations necessary for the administration and enforcement of these provisions; violations of these rules and regulations are also misdemeanors subject to the same penalties as above. The chief judge of the District Court of Maryland may establish a schedule of pre-payable fines for a first offense subject to the maximum and minimum amounts prescribed by the legislature.

Payment of a fine in lieu of appearing for trial means a voluntary acceptance of a conviction for the offense charged. Any fine collected by a circuit court or District Court must be forwarded to the commission.

The bill authorizes park police officers to issue a citation containing a notice to appear in court and other descriptive information for any hunting violation on property owned, operated, or leased by the commission. A person charged may sign the citation to indicate a written promise to appear in court. If the person does so, the officer is not required to take the person into custody unless: (1) the person does not furnish satisfactory evidence of identity; or (2) the officer has reasonable grounds to believe the person charged will disregard a written promise to appear. The person charged may not violate the promise to appear unless sufficient collateral is posted, the fine is paid in advance of trial, or the person is represented by counsel in court. Failure to comply with the notice to appear may result in a warrant being issued for the person's arrest, with varying conditions for how and when this may occur.

**Current Law:** There are no State or local laws prohibiting hunting on commission property without a written authorization from the commission. The commission does restrict hunting to designated hunting areas. The commission does not allow trapping on park property without a commission permit; trapping is for scientific and animal control purposes only.

**Background:** In Maryland, a person must have a proper permit or license issued by the Department of Natural Resources (DNR) in order to hunt. State wildlife regulations and laws apply throughout Maryland; however, locally owned properties within the State restrict public access by their own authority. The hours, seasons, hunting devices, bag limits, and other details may differ from State information.

The Maryland-National Capital Park and Planning Commission is a bi-county agency empowered to acquire, develop, maintain, and administer a regional system of parks in

Montgomery and Prince George's counties. The commission is also empowered to prepare and administer a general plan for the physical development of most of the bi-county area. In Prince George's County, the commission conducts the public recreation program.

The commission is authorized to establish rules and regulations relating to its property; a violation of any such rule or regulation is a "commission infraction" (civil offense) for which park police officers may issue a citation containing a notice to appear and other descriptive information. A conviction for a commission infraction is subject to a pre-set fine not to exceed \$50 for a first offense and not to exceed \$100 for each repeat offense. All fines, penalties, or forfeitures collected by a District Court for violations of commission infractions must be remitted to the commission.

Generally, a person who violates the State's hunting laws is subject to a fine not exceeding \$1,500 for a first offense, and to a fine not exceeding \$4,000 or imprisonment of up to one year or both for each subsequent violation (defined as a separate incident occurring within two years of any prior violation). In addition, for any subsequent violation, the person's hunting permit or license may be suspended for up to 12 months. Fines collected in any District Court must be collected pursuant to the provisions of law of the District Court system. Fines collected in any circuit court must be paid to the State Wildlife Management and Protection Fund, unless otherwise provided for.

The commission reports that during 1999 and 2000, the commission's park police received over 250 calls for service relating to hunting on commission parkland. About one-third of those instances involved reports of gunfire, and civil citations were issued in 84 cases.

**State Expenditures:** General fund expenditures could increase minimally as a result of the bill's incarceration penalty for repeat offenses, due to increased payments to counties for reimbursement of inmate costs. Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for Prince George's County and Montgomery County for fiscal 2003 are estimated to be \$34.98 and \$40.21 respectively per inmate. The number of people convicted of this proposed crime is expected to be minimal.

**Local Revenues:** Revenues for the commission could increase minimally as a result of the bill's monetary penalty provisions, the proceeds of which are to be remitted to the commission.

**Local Expenditures:** Expenditures could increase minimally as a result of the bill's incarceration penalty for repeat offenses. 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 Prince George's County and Montgomery County detention facilities are expected to cost \$69.95 and \$80.41 respectively per inmate in fiscal 2003.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Natural Resources, Maryland-National Capital Park and Planning Commission, Department of Legislative Services

**Fiscal Note History:** First Reader - March 3, 2002  
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