

Department of Legislative Services

Maryland General Assembly

2002 Session

FISCAL NOTE

House Bill 995

(Chairman, Environmental Matters Committee)

(Departmental – Natural Resources)

Environmental Matters

Natural Resources - Fish and Fisheries - Fines

This departmental bill increases the maximum criminal misdemeanor penalties for violations of the fisheries laws (for a first offense, from \$500 to \$1,500; for a second or subsequent violation, from \$1,000 to \$4,000). The bill provides that 50% of any fines collected by the District Court must be paid to the Fisheries Research and Development Fund. The bill also modifies the allowable uses of that fund to include enforcement activities.

The bill takes effect July 1, 2002.

Fiscal Summary

State Effect: Potential increase in special fund revenues beginning in FY 2003 related to the bill's penalty provisions; special fund expenditures for enforcement activities would increase correspondingly. General fund revenues could increase or decrease beginning in FY 2003 as a result of the bill's penalty provisions.

Local Effect: None.

Small Business Effect: The Department of Natural Resources (DNR) has determined that this bill will have minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: A person who violates any provision relating to fish and fisheries is guilty of a misdemeanor, and upon conviction is subject to a fine not exceeding \$500, with costs imposed in the discretion of the court. Unless another penalty is specifically provided elsewhere in the law, any person found guilty of a second or subsequent violation is subject to a fine not exceeding \$1,000, or imprisonment not exceeding one year, or both, with costs imposed in the discretion of the court. A second or subsequent violation is one that has occurred within two years of any prior violation. If a fine is imposed by the District Court, the fine must be collected pursuant to the provisions of law of the District Court system. If a fine is imposed by the circuit court of any county, the fine, less the costs of collection, must be paid into the Fisheries Research and Development Fund, unless otherwise provided for.

Subject to specified limitations, the Fisheries Research and Development Fund must be used to replenish fisheries resources, to conduct related research, and to match federal funds available for research and development of fisheries resources.

Background: According to DNR, the bill is intended to establish a greater deterrent effect for violations of the fisheries laws and to make the maximum criminal fines for convictions of fisheries misdemeanors equivalent to the fines for similar convictions of wildlife misdemeanors. By providing that 50% of the fine revenue from cases heard in the District Court would be paid into the Fisheries Research and Development Fund, and by modifying the allowable uses of the fund to include enforcement, DNR advises that enforcement of the fisheries laws will be enhanced.

State Revenues: DNR did not provide any information relating to current penalty revenue. Although the deterrent effect of the bill cannot be predicted, special fund revenues into the Fisheries Research and Development Fund could increase. First, the bill increases the maximum fine that may be assessed for violations of the fisheries laws. Second, the bill provides that half the fines collected by the District Court for those violations would be paid into the special fund. Currently, fines for cases heard in the District Court are paid into the general fund. The net impact on the general fund is unknown; although half of the fines would no longer be paid into the general fund, total penalties collected could increase as a result of the bill.

The bill also expands the allowable uses of the Fisheries Research and Development Fund to include enforcement activities. Presumably, any increase in special fund revenues would be offset by an increase in special fund expenditures for those purposes.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 19, 2002
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