

Department of Legislative Services  
 Maryland General Assembly  
 2003 Session

FISCAL AND POLICY NOTE

House Bill 573 (Delegate Owings, *et al.*)  
 Environmental Matters

Natural Resources - Hunting - Private Property

This bill repeals existing provisions and establishes new provisions relating to hunting on private property.

Fiscal Summary

**State Effect:** General fund expenditure increase of \$89,500 in FY 2004 (\$81,300 for one-time computer modifications for the District Court and \$8,200 for enforcement by the Natural Resources Police). Future year estimates are annualized and reflect ongoing enforcement costs. Potential decrease in special fund revenues beginning in FY 2004 and federal fund revenues beginning in FY 2006 due to any decrease in hunting license sales.

(in dollars)	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
SF Revenue	(-)	(-)	(-)	(-)	(-)
FF Revenue	0	0	(-)	(-)	(-)
GF Expenditure	89,500	11,400	12,000	12,500	13,100
Net Effect	(\$89,500)	(\$11,400)	(\$12,000)	(\$12,500)	(\$13,100)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** To the extent local governments choose to allow hunting on their lands, expenditures would increase to post signs in accordance with the bill. Any such increase cannot be reliably estimated at this time. The criminal penalty provisions of this bill are not expected to significantly affect local finances.

**Small Business Effect:** Potential meaningful. To the extent small businesses (such as shooting organizations, guiding operations, farms, and others) choose to allow hunting on their lands, expenditures would increase to post signs in accordance with the bill.

## Analysis

**Bill Summary:** Except under specified conditions, a person may not hunt, allow a dog to hunt or pursue a bird or mammal, follow or recover previously shot game, or retrieve a hunting dog on another person's land. A person may do so if the landowner (or agent or lessee) gives written permission to the person and the landowner has posted signs along all boundaries and at all points where a road or trail enters the land. Upon request, a person must produce the written permission. The bill authorizes a landowner to revoke hunting privileges at any time by removing the posted signs or giving notice.

A person who violates the bill's provisions is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year or a fine not exceeding \$2,000, or both. A court must notify the Department of Natural Resources (DNR) of any conviction for a violation of this bill. Upon notification of a conviction, DNR must revoke the person's hunting license and deny hunting privileges for a period not exceeding two years.

Provisions of the bill that do not alter current law include the following:

- a person hunting on private property is liable for any damage the person causes to the property while hunting; and
- a landowner is not liable for accidental injury to a person who hunts on the property, whether or not permission was granted.

**Current Law:** A person may not hunt on another person's land without the permission of the landowner (or agent or lessee). Written permission must be obtained in certain counties. In some counties, written permission must be obtained to hunt deer only. Any person hunting on private property is liable for any damage that occurs to that property, and the landowner is not liable for accidental injury or damage to the person. In some counties, a person who hunts on another person's property without first obtaining written permission is guilty of a misdemeanor and upon conviction of a first offense, is subject to a fine not exceeding \$1,000. Upon conviction of a second or subsequent offense, the person is subject to a fine not exceeding \$2,000. In general, the maximum penalty for trespassing while hunting is a fine of \$1,500 for a first offense, and for a second or subsequent offense, a fine of \$4,000 or imprisonment for one year or both, and suspension of the hunting license.

**State Revenues:** Special fund revenues could decrease beginning in fiscal 2004 to the extent the bill results in a decrease in hunting license sales. Because DNR receives approximately \$5 in federal funds for each hunting license sold, the bill could also result in a decrease in federal fund revenues beginning in fiscal 2006. (The number of licensed hunters in State fiscal 2004 drives federal funds provided in federal fiscal 2006, which

coincides with State fiscal 2006.) Legislative Services notes that any decrease in license sales cannot be reliably estimated at this time.

The criminal penalty provisions of this bill are not expected to significantly affect State revenues.

**State Expenditures:** General fund expenditures could increase by \$89,500 in fiscal 2004, which includes \$81,300 for a one-time modification to the District Court's automated criminal system and \$8,200 in overtime for the Natural Resources Police (NRP) to enforce the bill. Future year estimates are annualized, adjusted for inflation, and reflect ongoing enforcement costs for NRP.

*Department of Natural Resources – Natural Resources Police*

To enforce the bill, general fund expenditures for NRP will increase by an estimated \$8,200 in fiscal 2004, which reflects the bill's October 1, 2003 effective date. This estimate reflects overtime costs for NRP officers to investigate additional complaints that would likely occur as a result of the bill. The estimate is based on the following assumptions and information:

- a doubling in the average annual number of complaints received regarding hunting on private property, from 133 to 266;
- each complaint takes, on average, two hours to respond and investigate; and
- the average overtime rate for an officer first class is \$38.34 per hour.

Future year estimates are annualized and reflect 4.5% annual increases in overtime.

*District Court*

Currently, DNR violations are entered into the District Court's automated criminal system; however, the violations are not identified by the specific statutory provision violated. Accordingly, in order to send information to DNR on convictions relating only to the provisions of this bill, the District Court would be required to modify its system at a cost of an estimated \$81,300 (general funds) in fiscal 2004 only. This estimate assumes it would take analysts and programmers approximately 1,440 hours at a rate of \$53 per hour to modify the District Court's automated criminal system, and an additional \$5,000 for system modifications for the circuit courts.

The criminal penalty provisions of this bill are not expected to significantly affect State expenditures.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Natural Resources, Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - February 28, 2003  
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