
By: **Delegates Lawton, Barkley, Barve, Bronrott, V. Clagett, Conroy, Cryor, Dumais, Franchot, Frush, Glassman, Gutierrez, Heller, Hixson, Hogan, Holmes, Hubbard, Jennings, Kaiser, Kelly, Madaleno, Mandel, McComas, McConkey, McHale, McIntosh, Montgomery, Petzold, Quinter, Sossi, Stern, Stull, F. Turner, ~~and Weldon~~ Weldon, and Weir**

Introduced and read first time: February 9, 2006

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2006

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources - Hunting –~~Computer-Assisted Remote Hunting Via an~~**
 3 **Internet Connection - Prohibition**

4 FOR the purpose of prohibiting ~~computer-assisted remote hunting; prohibiting~~
 5 ~~certain activities with a computer, camera, or certain other technologies for the~~
 6 ~~purpose of engaging in computer-assisted remote hunting; prohibiting the~~
 7 ~~possession of any bird or mammal captured or killed by or with the assistance of~~
 8 ~~computer-assisted remote hunting; prohibiting the transport into or out of the~~
 9 ~~State of any bird or mammal that was killed or captured by or with the~~
 10 ~~assistance of computer-assisted remote hunting; requiring the Department of~~
 11 ~~Natural Resources to seize any bird or mammal possessed in violation of the~~
 12 ~~provisions of this Act; requiring the Department to revoke certain licenses~~
 13 ~~issued to persons convicted of violations of the provisions of this Act; prohibiting~~
 14 ~~the Department from issuing certain licenses to persons convicted of violations~~
 15 ~~of this Act for a certain period of time; defining a certain term a person from~~
 16 ~~shooting at or killing a bird or animal in the State with a gun or other device~~
 17 ~~operated or accessed via an Internet connection; providing that certain actions~~
 18 ~~are prima facie evidence of a violation of this Act; establishing a certain penalty;~~
 19 ~~requiring the revocation of the hunting privilege or hunting license of a person~~
 20 ~~who is convicted of an offense under this Act; requiring that a person be denied~~
 21 ~~the privilege to hunt for a certain time period if the person is convicted of an~~
 22 ~~offense under this Act; and generally relating to ~~a prohibition on~~~~
 23 ~~computer-assisted remote hunting.~~

1 BY adding to
2 Article - Natural Resources
3 Section 10-426
4 Annotated Code of Maryland
5 (2000 Replacement Volume and 2005 Supplement)

6 ~~BY repealing and reenacting, without amendments,~~
7 ~~Article - Natural Resources~~
8 ~~Section 10-1101~~
9 ~~Annotated Code of Maryland~~
10 ~~(2000 Replacement Volume and 2005 Supplement)~~

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

13 **Article - Natural Resources**

14 10-426.

15 (A) ~~IN THIS SECTION, "COMPUTER ASSISTED REMOTE HUNTING" MEANS~~
16 ~~HUNTING BY USING A COMPUTER OR ANY OTHER TECHNOLOGY TO REMOTELY~~
17 ~~CONTROL:~~

18 (1) ~~THE AIMING OR DISCHARGING OF A WEAPON, INCLUDING ANY~~
19 ~~FIREARM, BOW AND ARROW, SPEAR, SLINGSHOT, HARPOON, OR ANY OTHER~~
20 ~~PROJECTILE DEVICE; OR~~

21 (2) ~~THE SETTING OR ACTIVATION OF A TRAP.~~

22 (B) ~~A PERSON MAY NOT:~~

23 (1) ~~ENGAGE IN COMPUTER ASSISTED REMOTE HUNTING;~~

24 (2) ~~ACTIVATE, MODIFY, OR OPERATE A COMPUTER FOR THE PURPOSE OF~~
25 ~~ENGAGING IN COMPUTER ASSISTED REMOTE HUNTING;~~

26 (3) ~~PLACE, ACTIVATE, MODIFY, OR OPERATE A CAMERA OR ANY OTHER~~
27 ~~VISUAL TECHNOLOGY FOR THE PURPOSE OF ENGAGING IN COMPUTER ASSISTED~~
28 ~~REMOTE HUNTING;~~

29 (4) ~~POSSESS ANY BIRD OR MAMMAL THAT WAS CAPTURED OR KILLED BY~~
30 ~~OR WITH THE ASSISTANCE OF COMPUTER ASSISTED REMOTE HUNTING; OR~~

31 (5) ~~TRANSPORT INTO OR OUT OF THE STATE ANY BIRD OR MAMMAL~~
32 ~~THAT WAS CAPTURED OR KILLED BY OR WITH THE ASSISTANCE OF~~
33 ~~COMPUTER ASSISTED REMOTE HUNTING.~~

1 ~~(C) THE DEPARTMENT SHALL SEIZE ANY BIRD OR MAMMAL THAT IS~~
2 ~~POSSESSED IN VIOLATION OF THIS SECTION.~~

3 ~~(D) (1) THE DEPARTMENT SHALL REVOKE ALL LICENSES ISSUED BY THE~~
4 ~~DEPARTMENT UNDER THIS TITLE TO ANY PERSON CONVICTED OF A VIOLATION OF~~
5 ~~THIS SECTION.~~

6 ~~(2) THE DEPARTMENT MAY NOT ISSUE ANY LICENSE UNDER THIS TITLE~~
7 ~~TO A PERSON CONVICTED OF A VIOLATION OF THIS SECTION FOR A PERIOD NOT LESS~~
8 ~~THAN 3 YEARS AND NOT EXCEEDING 5 YEARS.~~

9 ~~10-1101.~~

10 ~~(a) For the purpose of this title, each game bird or mammal taken illegally,~~
11 ~~purchased, offered for purchase, sold, bartered, or exchanged in excess of the bag limit~~
12 ~~or possessed illegally constitutes a separate offense.~~

13 ~~(b) Any person who violates any provision of this title is guilty of a~~
14 ~~misdemeanor. Unless another penalty is specifically provided elsewhere in this title,~~
15 ~~the person, upon conviction, is subject to a fine not exceeding \$1,500, with costs~~
16 ~~imposed in the discretion of the court.~~

17 ~~(c) (1) Unless another penalty is specifically provided elsewhere in this title~~
18 ~~any person found guilty of a second or subsequent violation of any provision of this~~
19 ~~title, is subject to a fine not exceeding \$4,000, or imprisonment not exceeding 1 year,~~
20 ~~or both, with costs imposed in the discretion of the court.~~

21 ~~(2) In addition, the license under which the person operated in the~~
22 ~~commission of the violation shall be suspended for 12 months from the date of the~~
23 ~~second conviction.~~

24 ~~(3) For the purpose of this subsection, a second or subsequent violation is~~
25 ~~a violation which has occurred within 2 years of any prior violation of this title and~~
26 ~~which arises out of a separate set of circumstances.~~

27 ~~(d) In addition to any administrative penalty provided in this title, violation of~~
28 ~~any regulation adopted by any unit within the Department pursuant to the provisions~~
29 ~~of this title is a misdemeanor and is punishable as provided in subsections (b) and (c)~~
30 ~~of this section.~~

31 ~~(e) This section does not apply to a violation of § 10-424(2) of this title.~~

32 (A) A PERSON MAY NOT SHOOT AT OR KILL A BIRD OR ANIMAL IN THE STATE
33 WITH A GUN OR OTHER DEVICE OPERATED OR ACCESSED VIA AN INTERNET
34 CONNECTION.

35 (B) ACCESSING, REGULATING ACCESS TO, OR REGULATING THE CONTROL OF
36 A GUN OR DEVICE CAPABLE OF BEING OPERATED IN VIOLATION OF THIS SECTION
37 SHALL BE PRIMA FACIE EVIDENCE OF THE COMMISSION OF AN OFFENSE UNDER
38 THIS SECTION.

1 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
2 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR
3 IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

4 (D) THE HUNTING PRIVILEGE OR HUNTING LICENSE OF A PERSON
5 CONVICTED OF VIOLATING THIS SECTION SHALL BE REVOKED, AND THE PERSON
6 SHALL BE DENIED THE PRIVILEGE OF HUNTING IN THE STATE FOR AT LEAST 2
7 YEARS AND NOT MORE THAN 5 YEARS.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2006.