

HOUSE BILL 655

M2

8lr1260

By: **Delegates Frush and V. Clagett**

Introduced and read first time: February 1, 2008

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Hunting Licenses – Minimum Age**

3 FOR the purpose of prohibiting the Department of Natural Resources from issuing a
4 hunting license to a person who is under a certain age; providing that certain
5 suspensions of hunting privileges for certain hunting violations for persons who
6 are under a certain age shall begin at a certain time; requiring an application
7 for a hunting license to include the applicant's date of birth; providing for the
8 effective date of this Act; making stylistic changes; making a technical
9 correction; and generally relating to the establishment of a minimum age for a
10 hunting license.

11 BY repealing and reenacting, without amendments,
12 Article – Natural Resources
13 Section 10–205(a) and 10–416(c)
14 Annotated Code of Maryland
15 (2007 Replacement Volume)

16 BY repealing and reenacting, with amendments,
17 Article – Natural Resources
18 Section 10–205(b), 10–301(b) and (e), 10–301.1(e)(1), 10–312, 10–416(d), 10–423,
19 10–1101, and 10–1108
20 Annotated Code of Maryland
21 (2007 Replacement Volume)

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

24 **Article – Natural Resources**

25 10–205.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Having a due regard for the distribution, abundance, economic value, and
2 breeding habits of wildlife, the Secretary may adopt regulations to enlarge, extend,
3 restrict, or prohibit hunting, possessing, selling, purchasing, shipping, carrying,
4 transporting, or exporting wildlife.

5 (b) (1) In addition to any other penalty provided in this title, any person
6 convicted of violating any regulation adopted by the Department shall be fined \$5 for
7 each bird, mammal, amphibian, or reptile illegally hunted or possessed.

8 (2) [However, this] **THE** additional penalty **UNDER THIS**
9 **SUBSECTION** does not apply to game birds and mammals.

10 (3) If a person is convicted a second or subsequent time within the
11 same [12 month] **12-MONTH** period for a violation of the regulations the Department
12 adopts, the person:

13 [(1)] (I) Shall have the person's hunter's license suspended[; and

14 (2) May] **AND MAY** not procure a hunter's license the following
15 calendar year; **OR**

16 (II) **IF THE PERSON IS UNDER THE AGE OF 13 YEARS, MAY**
17 **NOT PROCURE A HUNTER'S LICENSE IN THE CALENDAR YEAR OF THE PERSON'S**
18 **13TH BIRTHDAY OR THE FOLLOWING CALENDAR YEAR.**

19 10-301.

20 (b) (1) (I) To provide a fund to pay the expense of protecting and
21 managing wildlife, and preventing unauthorized persons from hunting them, a person
22 may not hunt or attempt to hunt during open season and in any permitted manner
23 any game birds and mammals in the State without first having procured either a
24 resident or nonresident hunter's license.

25 (II) **THE DEPARTMENT MAY NOT ISSUE A HUNTER'S**
26 **LICENSE TO A PERSON WHO IS UNDER THE AGE OF 13 YEARS.**

27 (2) A person may not hunt or attempt to hunt nongame birds and
28 mammals in Baltimore County or Frederick County without first obtaining a license.

29 (3) A permanent resident of a government reservation may obtain a
30 resident hunter's license.

31 (e) The application shall contain the applicant's name, height, **DATE OF**
32 **BIRTH**, color of eyes and hair, occupation, place of residence, and Social Security
33 number. If the applicant is a nonresident, the applicant also shall present the
34 applicant's driver's license, voter's card, or resident hunter's license.

1 10-301.1.

2 (e) (1) (I) [On or after July 1, 1977 any] **ANY** person who obtains a
3 hunting license by presenting a fictitious certificate of competency or who attempts to
4 obtain a certificate of competency or hunting license through fraud shall have [his]
5 **THE PERSON'S** hunting privileges revoked by the Department for a period not to
6 exceed 1 year.

7 (II) **IF A PERSON WHO COMMITS ANY OF THE VIOLATIONS**
8 **ENUMERATED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH IS UNDER THE AGE**
9 **OF 13 YEARS, THE REVOCATION OF HUNTING PRIVILEGES SHALL BEGIN ON THE**
10 **PERSON'S 13TH BIRTHDAY.**

11 10-312.

12 (a) A Natural Resources police officer or law enforcement officer shall
13 confiscate a person's hunter's license if the license is used or presented by a person
14 other than the person to whom the license was issued.

15 (b) (1) In addition to any penalty provided in this title, if any person is
16 convicted of hunting without a proper hunter's license in the person's possession, or
17 using another person's hunter's license, the hunter's license shall be confiscated.

18 (2) (I) [The] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**
19 **THIS PARAGRAPH, THE** person upon whom the hunter's license is found and the
20 licensee may not procure a hunter's license the following calendar year.

21 (II) [However, this] **THIS** section does not apply to a licensee
22 who does not knowingly give the licensee's license to another **PERSON**.

23 (3) **IF THE PERSON ON WHOM THE HUNTER'S LICENSE IS FOUND**
24 **IS UNDER THE AGE OF 13 YEARS, THE PERSON MAY NOT PROCURE A HUNTER'S**
25 **LICENSE IN THE CALENDAR YEAR OF THE PERSON'S 13TH BIRTHDAY OR THE**
26 **FOLLOWING CALENDAR YEAR.**

27 10-416.

28 (c) A person or 2 or more persons together may not throw or cast the rays of
29 a spotlight, headlight, artificial light, battery, or other device on any highway or in any
30 field, woodland, or forest while possessing or having under control a firearm or other
31 implement by which any deer could be killed, even though the deer is not shot at,
32 injured, or killed. The provisions of this subsection do not apply where the headlight of
33 a motor vehicle, operated by any person traveling on a highway in the usual way, casts
34 a light upon deer on or adjacent to the highway and there was no attempt or intent to
35 locate the deer.

1 (d) Any person who violates any provision of subsection (c) of this section is
2 guilty of a misdemeanor and upon conviction is subject to a fine not exceeding \$2,000
3 or imprisonment for not more than 6 months or both, with costs imposed in the
4 discretion of the court. Any person convicted of violating the provisions of this
5 subsection shall have the person's hunting license revoked and shall be denied the
6 privilege of hunting in the State for at least 2 and not exceeding 5 years. **A DENIAL OF**
7 **HUNTING PRIVILEGES UNDER THIS SUBSECTION FOR A PERSON WHO IS UNDER**
8 **THE AGE OF 13 YEARS SHALL BEGIN ON THE PERSON'S 13TH BIRTHDAY.** In
9 addition to these penalties, every spotlight, artificial light, battery, or device to spot,
10 locate, or hunt for deer, and every firearm, bow and arrow, or device capable of killing
11 a deer, found in or on any vehicle or in possession of the person convicted, or used to
12 violate the provisions of this subsection, shall be confiscated and disposed of by the
13 Secretary as the Secretary deems advisable.

14 10-423.

15 (a) Any penalty imposed under this section does not apply to an individual
16 who kills or wounds a black bear in defense of the individual's own life, the lives of
17 other individuals, or the lives of animals on the individual's property.

18 (b) If the Secretary adopts any regulation, including an emergency
19 regulation, under § 10-205 of this title or § 10-405 of this subtitle to prohibit the
20 hunting, possessing, selling, purchasing, shipping, carrying, transporting, or exporting
21 of black bears, a person who violates the regulation is subject to the following
22 penalties:

23 (1) For a first offense, a fine not exceeding \$1,500, imprisonment not
24 exceeding 6 months, or both and suspension of the person's hunting license and right
25 to hunt any bird or game animal for a period of time not exceeding 2 years; and

26 (2) For a second or subsequent offense, a fine not exceeding \$2,000,
27 imprisonment not exceeding 1 year, or both and suspension of the person's hunting
28 license and right to hunt any bird or game animal for a period of time not exceeding 4
29 years.

30 (c) **IF A PERSON WHO VIOLATES A REGULATION UNDER THIS SECTION**
31 **IS UNDER THE AGE OF 13 YEARS, ANY SUSPENSION OF THE PERSON'S RIGHT TO**
32 **HUNT ANY GAME BIRD OR GAME ANIMAL SHALL BEGIN ON THE PERSON'S 13TH**
33 **BIRTHDAY.**

34 10-1101.

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

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

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

9 (2) (I) In addition, the license under which the person operated in
10 the commission of the violation shall be suspended for 12 months from the date of the
11 second conviction.

12 (II) **IF THE PERSON IS UNDER THE AGE OF 13 YEARS, THE**
13 **PERSON'S HUNTING PRIVILEGES SHALL BE SUSPENDED FOR 12 MONTHS FROM**
14 **THE DATE OF THE PERSON'S 13TH BIRTHDAY.**

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

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

22 (e) This section does not apply to a violation of § 10-424(2) of this title.
23 10-1108.

24 (a) (1) (I) In addition to any other penalty, a court may suspend the
25 hunting license of any person who is convicted of violating any provision of this title or
26 any regulation adopted under this title, for a period not exceeding 5 years.

27 (II) **IF THE PERSON CONVICTED IS UNDER THE AGE OF 13**
28 **YEARS, A COURT MAY SUSPEND THE PERSON'S HUNTING PRIVILEGES,**
29 **BEGINNING ON THE PERSON'S 13TH BIRTHDAY, FOR A PERIOD NOT EXCEEDING**
30 **5 YEARS.**

31 (2) (i) A court may suspend for not more than 1 year the hunting
32 license of a person who is convicted of violating § 6-402 of the Criminal Law Article
33 while carrying a firearm or bow and arrow for the purpose of hunting.

34 (ii) When a person not holding a hunting license is convicted of
35 violating § 6-402 of the Criminal Law Article while carrying a firearm or bow and

1 arrow for the purpose of hunting, the court may order that the person not obtain a
2 hunting license for a period of not more than 1 year.

3 **(III) WHEN A PERSON WHO IS UNDER THE AGE OF 13 YEARS**
4 **IS CONVICTED OF VIOLATING § 6-402 OF THE CRIMINAL LAW ARTICLE WHILE**
5 **CARRYING A FIREARM OR BOW AND ARROW FOR THE PURPOSE OF HUNTING,**
6 **THE COURT MAY ORDER THAT THE PERSON NOT OBTAIN A HUNTING LICENSE**
7 **FOR A PERIOD OF NOT MORE THAN 1 YEAR BEGINNING ON THE PERSON'S 13TH**
8 **BIRTHDAY.**

9 (b) If a person whose hunting license is suspended under this section passes
10 another hunting safety course after the suspension has expired, the person may
11 reapply for and be issued a hunting license.

12 (c) A person whose hunting license is suspended under this section may not:

13 (1) Hunt on any lands where a hunting license is required; or

14 (2) Purchase or attempt to purchase another hunting license during
15 the period of suspension.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 August 1, 2008.