

**Department of Legislative Services**  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**

House Bill 254 (Delegate Sossi, *et al.*)  
Environmental Matters

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**Natural Resources - Citations - Seizure of Equipment**

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This bill authorizes a natural resources police officer or any law enforcement officer to seize any device, equipment, conveyance, or property unlawfully used upon issuing a citation for a violation of the wildlife provisions (Title 10) in the Nature Resources Article or any regulation adopted pursuant to those provisions.

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**Fiscal Summary**

**State Effect:** General fund expenditures increase by \$1,900 in FY 2010 and \$2,600 in FY 2014. Future year estimates are adjusted for inflation. Revenues are not affected.

(in dollars)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	1,900	2,500	2,600	2,600	2,600
Net Effect	(\$1,900)	(\$2,500)	(\$2,600)	(\$2,600)	(\$2,600)

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

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law/Background:** The Department of Natural Resource's (DNR) natural resources police has statewide authority to enforce conservation, boating, and criminal laws, as well as to provide primary law enforcement services for State parks, forests, and public lands managed by DNR. DNR is also designated as the State's lead agency for homeland security on State waters. In fiscal 2008, DNR's 193 law enforcement officers

issued 34,326 citations and were involved with 512 Type 1 crimes, which include homicide, forcible rape, assault, burglary, and arson.

Current law authorizes a natural resources police officer or any law enforcement officer to seize any device, equipment, conveyance, or property unlawfully used upon arrest for a violation of the wildlife provisions in the Natural Resources Article or a regulation adopted pursuant to those provisions. If the owner or person in charge of the seized property is convicted, the court may declare the property forfeited and it becomes the property of DNR. If the owner of the property is not known, the court may proceed *ex parte* to hear and determine any question of forfeiture. If the owner or person in charge of the seized property is not convicted, the property is returned to the owner or person. Property may not be forfeited if the owner was not a consenting party or privy to a violation.

**Background:** Over the past three years, natural resources police officers were involved with an estimated 1,000 incidents involving the seizure of property under DNR's authority associated with wildlife, fisheries, and other provisions of law. The majority of the property seized was fishing equipment (gill nets and crab pots), hunting equipment (guns), and contraband. Over the past three years, officers have seized several boats and vehicles; however, none were forfeited. Most items seized are valued at far less than \$1,000. Generally, DNR uses or destroys forfeited fisheries equipment. DNR advises that the average value of crab pots forfeited per year is \$1,400 and forfeited gill nets are valued at \$3,000.

**State Expenditures:** DNR anticipates seizing 10 vehicles per year under the bill and towing the vehicles to the Matapeake Marine Terminal for temporary storage. Vehicle towing costs are estimated at \$250 per vehicle. Thus, general fund expenditures increase by \$1,875 in fiscal 2010 and \$2,602 in fiscal 2014, which accounts for the bill's October 1, 2009 effective date. Future year estimates are adjusted for inflation.

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### **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 10, 2009  
mcp/ljm

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