

**HB1052/810217/1**

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1052

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “Wildlife Poaching Prevention Act”; strike beginning with “authorizing” in line 3 down through “term” in line 19 and substitute “repealing certain provisions of law that authorize a court to suspend the hunting license or, under certain circumstances, privileges of a person who has been convicted of certain hunting offenses; repealing certain corresponding standards and prohibited acts related to the suspension of a hunting license or hunting privileges; authorizing the Department of Natural Resources, in addition to certain other applicable penalties, to suspend for up to a certain period of time the hunting license or privileges of a person who is convicted of a State or federal hunting violation; requiring the Department to adopt certain regulations, including regulations that list the criteria for the suspension of a hunting license or the hunting privileges of a person; clarifying that a prohibition against hunting during a period of suspension applies to trapping and pursuing game; establishing certain grounds for the immediate suspension of a hunting license; establishing certain timing and hearing requirements before the suspension of a hunting license or hunting privileges; repealing certain provisions of law authorizing the Department to impose a certain fine and certain hunting license suspensions for a conviction for certain hunting violations; stating the intent of the General Assembly”; in line 23, after “10-423,” insert “and”; in the same line, strike “and 10-1108”; after line 25, insert:

“BY repealing

Article – Natural Resources

Section 10-1108

Annotated Code of Maryland

(2007 Replacement Volume and 2011 Supplement)

BY adding to

(Over)

Article – Natural Resources  
Section 10-1108  
Annotated Code of Maryland  
(2007 Replacement Volume and 2011 Supplement)”;

and before line 26, insert:

“Preamble

WHEREAS, The vast majority of sportsmen are conscientious and conservation-minded, and strictly abide by the wildlife laws of Maryland; and

WHEREAS, There are always the insular few sportsmen who blatantly violate these laws through reckless and selfish poaching; and

WHEREAS, The Public Trust Doctrine recognizes that the State has an affirmative duty to administer, protect, manage, and conserve wildlife; and

WHEREAS, The recent slowdown in State revenue has resulted in insufficient funds being available for the enforcement of Maryland’s wildlife laws, thus perpetuating wildlife violations on the presumption that apprehension is unlikely to occur; and

WHEREAS, The Wildlife Poaching Prevention Act will strengthen compliance with Maryland’s wildlife laws through the imposition of penalties intended to deter those who repeatedly commit wildlife violations and who willfully violate the spirit of the Public Trust Doctrine; now, therefore,.”

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 23 on page 3 through line 28 on page 4, inclusive, and substitute:

“[10-1108.

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

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

(ii) When a person not holding a hunting license is convicted of violating § 6-402 of the Criminal Law Article while carrying a firearm or bow and arrow for the purpose of hunting, the court may order that the person not obtain a hunting license for a period of not more than 1 year.

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

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

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

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

**10-1108.**

**(A) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY THIS TITLE, THE DEPARTMENT MAY SUSPEND FOR A PERIOD NOT EXCEEDING 5 YEARS THE**

(Over)

HUNTING LICENSE OR HUNTING PRIVILEGES OF A PERSON WHO IS CONVICTED OF A STATE OR FEDERAL HUNTING VIOLATION.

(B) THE DEPARTMENT SHALL ADOPT REGULATIONS:

(1) TO IMPLEMENT THIS SECTION; AND

(2) THAT LIST THE CRITERIA FOR THE SUSPENSION OF A HUNTING LICENSE OR THE HUNTING PRIVILEGES OF A PERSON.

(C) (1) DURING A PERIOD OF SUSPENSION OF A HUNTING LICENSE OR THE HUNTING PRIVILEGES OF A PERSON IMPOSED BY THE DEPARTMENT, THE PERSON MAY NOT:

(I) HUNT, TRAP, OR PURSUE GAME IN THE STATE; OR

(II) PURCHASE OR ATTEMPT TO PURCHASE ANOTHER HUNTING LICENSE.

(2) THE FOLLOWING ARE GROUNDS FOR AN IMMEDIATE SUSPENSION OF A HUNTING LICENSE OR HUNTING PRIVILEGES:

(I) KNOWINGLY MAKING A FALSE STATEMENT IN A LICENSE APPLICATION;

(II) A SECOND CONVICTION FOR VIOLATIONS OCCURRING ON SEPARATE DAYS WITHIN ANY 12-MONTH PERIOD FOR VIOLATIONS OF STATE OR FEDERAL HUNTING LAW THAT ARE NOT ADMINISTRATIVE OR MINOR IN NATURE AS DETERMINED BY THE DEPARTMENT;

(III) FAILURE TO SUBMIT A REPORT OR REPORT TO A CHECKING STATION AS REQUIRED UNDER THIS TITLE OR BY REGULATION; OR

(IV) FAILURE OF A NONRESIDENT OF THE STATE TO APPEAR IN COURT IN ACCORDANCE WITH A CITATION ISSUED BY A NATURAL RESOURCES POLICE OFFICER, OR TO ANY OTHER PROCESS ISSUED BY ANY COURT OF MARYLAND, FOR A VIOLATION OF THIS TITLE.

(3) A SUSPENSION IMPOSED IN ACCORDANCE WITH THIS SECTION IS IN ADDITION TO ANY OTHER PENALTY AUTHORIZED UNDER THIS TITLE.

(4) THE DEPARTMENT SHALL INITIATE ANY PROCEEDING TO SUSPEND A HUNTING LICENSE OR HUNTING PRIVILEGES UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION IMMEDIATELY AFTER THE TIME FOR FILING AN APPEAL OF THE SECOND CONVICTION HAS PASSED.

(5) (I) BEFORE THE SUSPENSION OF A HUNTING LICENSE OR HUNTING PRIVILEGES UNDER THIS SECTION, THE DEPARTMENT SHALL NOTIFY THE LICENSEE OR PERSON IN WRITING OF THE LICENSEE'S OR PERSON'S RIGHT TO A HEARING ON REQUEST.

(II) IF A LICENSEE OR PERSON SUBMITS A WRITTEN REQUEST FOR A HEARING TO THE DEPARTMENT WITHIN 30 DAYS AFTER THE DATE THAT THE NOTICE REQUIRED UNDER THIS PARAGRAPH IS MAILED, THE DEPARTMENT SHALL:

1. HOLD A HEARING AFTER PROVIDING AT LEAST 10 DAYS' NOTICE TO THE LICENSEE OR PERSON; AND

(Over)

**2. CONDUCT THE HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.**

**(III) THE DEPARTMENT MAY SUSPEND A HUNTING LICENSE OR HUNTING PRIVILEGES WITHOUT A HEARING IF:**

**1. THE LICENSEE OR PERSON DOES NOT SUBMIT A WRITTEN REQUEST FOR A HEARING; OR**

**2. THE LICENSEE OR PERSON FAILS TO APPEAR FOR A SCHEDULED HEARING FOR WHICH THE DEPARTMENT PROVIDED NOTICE.”.**

**AMENDMENT NO. 3**

On page 4, in line 29, after “2.” insert “AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly to recognize and commend the Maryland landowners and managers who provide and support native wildlife habitat, especially the landowners who embrace the principles of quality deer management and manage their land accordingly. The Department of Natural Resources is encouraged to augment the deer management efforts of these landowners by vigorously enforcing the wildlife laws against poachers who violate the public trust, thus helping ensure that the citizens of Maryland who recognize the value of sustainable native wildlife populations will be able to enjoy these resources now and in the future.

**SECTION 3.”.**