

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1052

(Delegates Beitzel and Frush)

Environmental Matters

Education, Health, and Environmental Affairs

Wildlife Poaching Prevention Act

This bill repeals current law governing the suspension of hunting licenses and authorizes the Department of Natural Resources (DNR) or a court to suspend an individual's hunting license or privileges for up to five years if the individual is convicted of a State or federal hunting violation. DNR must adopt implementing regulations that list the criteria for the suspension of a person's hunting license or privileges.

Fiscal Summary

State Effect: The bill is not expected to have a significant impact on State finances. The fine repealed by the bill is typically no longer collected due to higher penalty provisions in regulations.

Local Effect: The bill is not expected to impact local operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill deletes provisions that require (1) DNR to assess a \$5 fine for specified animals that are illegally hunted or possessed; and (2) hunting licenses to be suspended or withheld – for differing maximum periods of time – from individuals convicted of specified hunting violations.

If DNR or a court suspends a person's hunting license or privileges, that person may not (1) hunt, trap, or pursue game in the State; or (2) purchase or attempt to purchase another hunting license.

The bill specifies the grounds for immediate suspension of a person's hunting license or privileges and requires such a suspension to be in addition to any other penalty authorized in wildlife provisions of the Natural Resources Article.

DNR must (1) initiate any proceeding to suspend a hunting license or privileges immediately after the time for filing an appeal of the second conviction has passed; and (2) notify the licensee or person in writing of their right to a hearing on request before suspending their hunting license or privileges. If a written request for a hearing is submitted to DNR within 30 days after the notice is mailed, DNR must (1) hold a hearing, after providing at least 10 days notice; and (2) conduct the hearing in accordance with the Administrative Procedure Act. DNR is authorized to suspend a hunting license or privileges without a hearing if (1) a written request for a hearing is not submitted; or (2) the person fails to appear for a scheduled hearing.

The bill expresses the General Assembly's intent that Maryland landowners and managers who provide and support native wildlife habitat be recognized and commended. DNR is encouraged to augment the deer management efforts of these landowners by vigorously enforcing the wildlife laws against poachers who violate the public trust.

Current Law: Individuals convicted of violating State wildlife regulations must be fined \$5 per bird, mammal, amphibian, or reptile illegally hunted or possessed, excluding game birds and mammals. When individuals are convicted of a second or subsequent violation within the same 12-month period, their hunting license must be suspended and they may not procure a hunting license the following calendar year.

Individuals who violate specified black bear regulations are subject to fines, imprisonment, and suspension of their hunting license and rights for up to two years after a first offense, and up to four years after a second or subsequent offense.

Individuals who violate specified game, bird, and mammal hunting requirements are guilty of a misdemeanor and upon conviction are subject to (1) a maximum fine of \$1,500 for a first offense; and (2) a maximum fine of \$4,000 or up to a year of imprisonment, or both, and suspension of their hunting license for one year, for a second or subsequent offense.

A court may suspend the hunting license, but not the hunting privileges, of any person who is convicted of (1) violating any State wildlife law or regulation for up to five years; and (2) trespassing while carrying a firearm or bow and arrow for the purpose of hunting for up to one year. A court may prevent individuals who lack a hunting license from obtaining one for up to one year, if they are convicted of trespassing while carrying a firearm or bow and arrow for the purpose of hunting.

A person whose hunting license is suspended may not hunt on any lands where a hunting license is required, or purchase or attempt to purchase another hunting license during the period of suspension.

Background: Among other things, DNR's Wildlife and Heritage Service is responsible for balancing the ecological needs of the State's wildlife resources with societal needs and desires. The Wildlife and Heritage Service, in cooperation with the Natural Resources Police (NRP), is responsible for administering and enforcing the State's hunting programs, laws, and regulations.

There were 117,785 licensed hunters (including nonresidents) during the 2011/2012 hunting season. DNR issues a multitude of hunting licenses and stamps and sells approximately 358,000 licenses and stamps annually. DNR advises 18 hunting licenses were suspended in 2011 and 15 hunting licenses were suspended in 2010.

Among other things, Chapter 367 of 2010 required DNR to submit a report that identifies statutory recommendations for improving NRP's effectiveness and efficiency. In December 2010, DNR submitted a report that made a variety of recommendations, including authorizing the courts and DNR to suspend the hunting license or privileges of a person who is convicted of a State or federal hunting violation. The report notes that such authority would enable DNR to properly penalize egregious or chronic wildlife violators and improve the deterrence of future violations, including compliance with hunting safety zones. The bill addresses this recommendation.

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

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Analysis by: Amanda Mock

Direct Inquiries to:
(410) 946-5510
(301) 970-5510