



Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
Jeannie Haddaway-Riccio, Secretary
Allan Fisher, Deputy Secretary

Bill Number: Senate Bill 960

Short Title: Natural Resources – Hunting and Fishing Offenses - Expungement

Department's Position: Support with Amendments

Explanation of Department's Position

The Maryland Department of Natural Resources (DNR) provides the following information on SB 960, which authorizes expungement of convictions related to certain natural resources violations.

Operationally, this bill may undermine certain administrative penalties imposed by the department, including license suspensions and revocations, if certain individuals avail themselves of the expungement process as described in the proposed bill.

Some administrative sanctions are imposed based on a criminal conviction. In those cases, if the underlying criminal conviction were expunged, the administrative sanction may also be extinguished.

For example: recreational fishing licenses can be suspended for up to 5 years per violation (COMAR 08.02.13.05). If multiple fishing violations occur, the corresponding license suspensions run consecutively, not concurrently. A number of recreational anglers have had their licenses suspended for 10 years. Commercial fishing licenses may be revoked for certain offenses (COMAR 08.02.13.02, .03, and .09 and Natural Resources Article, §§4-1210 and 4-1211, Annotated Code of Maryland). Revocation means “the act of the Department permanently rescinding a fishing license, authorization, or entitlement and thereby permanently prohibiting a person from engaging in a fishing activity or activities under any circumstances” (COMAR 08.02.13.01).

These penalties have been created in conjunction with the Sport Fisheries Advisory Commission/Tidal Fisheries Advisory Commission Joint Penalty Workgroup and reflect the position of the recreational and commercial fishing communities that certain violations require significant penalties to deter the worst of offenders.

If the bill were to pass, as drafted, DNR would no longer be able to ensure those violators would face an appropriate punishment. This would result in potential impacts to law-abiding recreational anglers, commercial harvesters, and hunters. Allowing the bad actors back into the

fishery or hunting community would potentially take harvest away from the law-abiding participants, either through direct legal competition or through illegal poaching.

The department has met with the sponsor to amend the bill to clarify that convictions may only be expunged so long as (1) the person has never had a fishing or hunting license revoked, and (2) if the person has ever had a fishing or hunting license suspended, it was only one suspension that was completed more than 5 years prior to the expungement application. These amendments would rectify the issues with administrative penalties as noted above. As long as these amendments are accepted and included in the legislation we are in support.

For any additional information, please feel free to contact our Legislative and Constituent Services Director, Bunky Luffman.