



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Acting Secretary
Allan Fisher, Deputy Secretary

February 7, 2023

Bill Number: SB 1 - First Reader

Short Title: Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)

Department's Position: **LETTER OF INFORMATION**

Explanation of Department's Position

The Department is pleased to provide this letter of information for SB 1 as drafted. This bill would subject licensed hunters to unnecessarily harsh penalties for inadvertently crossing property boundaries. These property boundaries are often not marked at all, or poorly marked, making it difficult for hunters to properly see, especially when hunters are typically entering or exiting hunting areas. This type of behavior is currently addressed in Natural Resources (NR) Article 10-411. If charged for violating this statute a person can currently either pre-pay a fine of \$500, or appear for trial and be subject to a maximum penalty of \$1500 (first offense), or \$4000 and/or one year incarceration for a subsequent offense within two years. If the hunter decides to pre-pay the fine, there is no need for the police officer to appear for court. Unlike SB 1, NR 10-411 also does not require any action by the landowner, including appearing as a witness, to successfully prosecute the violator.

Background Information

NR 10-411 has been the controlling statute on issues of hunting without written permission for decades. This statute was enacted to provide a means for law enforcement officers to charge hunters for hunting on private property without written permission, yet relieve the burden upon the property owner to appear in court as a government witness. Criminal Law Article 4-104 provides an exception to the prohibition on permitting access to firearms by a child - "the child has a certificate of firearm and hunter safety issued under §10-301.1 of the Natural Resources Article" – which demonstrates the Maryland General Assembly's acknowledgement and past efforts to differentiate hunters and hunting activity from general criminal behavior. In 2021, Natural Resources Police issued 103 citations and 133 warnings for hunting without written permission. In 2022, 86 citations and 115 warnings were issued.

Bill Explanation

Under a generalized effort to alter criminal laws relative to gun safety, this bill exposes hunters to increased penalties that are inconsistent with current penalties under the Natural Resources Article, if they inadvertently cross onto private property without permission while pursuing a licensed recreational activity.

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