



Wes Moore, Governor
Aruna Miller, Lt. Governor
Josh Kurtz, Secretary
David Goshorn, Deputy Secretary

March 29, 2023

Bill Number: Senate Bill 1 - Third Reader

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

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

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 potential incarceration for inadvertently crossing property boundaries onto lands where they do not have written permission to hunt. 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.

In addition, the Department requests an amendment to ensure the bill does not prohibit civilian employees of the Department from responding to wildlife emergencies, or preclude their possession of firearms while conducting research with dangerous animals.

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.

The Department has personnel who have the technical training and equipment available to assist local jurisdictions with complex wildlife emergencies. These personnel are trained in lethal and less-than-lethal techniques with modern firearms and wildlife immobilization equipment.

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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.

BY:

(To be offered in the Judiciary Committee)

AMENDMENT TO SENATE BILL 1
(Third Reading File Bill)

On page 7, in line 25, strike "OR"; in line 30, after "FIREARM" insert "; OR

(11) AN EMPLOYEE OF THE DEPARTMENT OF NATURAL RESOURCES IN THE COURSE OF PERFORMING THEIR OFFICIAL DUTIES".