

# HOUSE BILL 1067

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By: **Delegate Stein**

Introduced and read first time: February 10, 2022

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Wildlife Management – Nighttime Hunting**

3 FOR the purpose of authorizing the Department of Natural Resources to allow certain  
4 permit holders to hunt deer at nighttime for a period not to exceed a certain number  
5 of months each year; altering provisions regarding the use of lights while hunting at  
6 nighttime; and generally relating to nighttime hunting in the State.

7 BY repealing and reenacting, without amendments,  
8 Article – Natural Resources  
9 Section 10–101(a) and (m)  
10 Annotated Code of Maryland  
11 (2012 Replacement Volume and 2021 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Natural Resources  
14 Section 10–206 and 10–410(b) and (e)(1)  
15 Annotated Code of Maryland  
16 (2012 Replacement Volume and 2021 Supplement)

17 Preamble

18 WHEREAS, The General Assembly recognizes its responsibility to adopt wildlife  
19 management policies that help to protect the health, safety, and welfare of the citizens of  
20 the State, and to help control wildlife in a manner consistent with and responsive to  
21 science–based wildlife management practices; and

22 WHEREAS, Maryland’s farming community has long held that deer inflict such  
23 annual economic hardships linked to measurable crop damage that they deserve specialized  
24 permits allowing the harvesting of deer outside the regular recreational hunting season;  
25 and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Maryland has been duly responsive to the farming community's  
2 concerns by enabling the Department of Natural Resources to issue Deer Cooperator  
3 Permits and Agricultural Deer Cooperator Permits that allow nighttime shooting of deer  
4 with high-powered rifles and other weaponry from February 1 through March 31; and

5 WHEREAS, Maryland's hunting community has long disdained the practice of  
6 harvesting deer during nighttime, commonly known as "jacklighting", because deer are  
7 rendered temporarily blind and defenseless when a bright, high-powered light is shone in  
8 their eyes, ensuring a predictable outcome that violates the wildlife conservation-minded  
9 doctrine of fair chase; and

10 WHEREAS, Conflicts arising from a growing population in proximity to wildlife are  
11 inevitable, and the General Assembly should help to mitigate such conflicts by ensuring  
12 that nighttime harvesting of wildlife, especially deer, is regulated in a manner to help  
13 better control population numbers without threatening the health, safety, and welfare of  
14 the public; and

15 WHEREAS, Duly permitted nighttime shooting of wildlife, with strict regulatory  
16 oversight by the Department of Natural Resources, is critical for effective wildlife  
17 management control; now, therefore,

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
19 That the Laws of Maryland read as follows:

20 **Article – Natural Resources**

21 10–101.

22 (a) In this title the following words have the meanings indicated.

23 (m) "Nighttime" means the time beginning one-half hour after sunset and ending  
24 one-half hour before sunrise the following day, as published in the Department's hunter's  
25 guide, unless this title provides otherwise.

26 10–206.

27 (A) (1) The Department may reduce the wildlife population in any county,  
28 election district, or other identifiable area of the State after a thorough investigation  
29 reveals that protected wildlife is seriously injurious to agricultural or other interests in the  
30 affected area.

31 (2) The method of reducing the wildlife population is at the Department's  
32 discretion, except that trapping is preferred whenever feasible.

33 (3) The Department shall dispose of wildlife taken pursuant to the  
34 provisions of this section as the Department deems advisable.

1           **(B) (1) THE DEPARTMENT MAY ALLOW A PERSON WHO HOLDS A DEER**  
2 **COOPERATOR PERMIT OR AN AGRICULTURAL DEER COOPERATOR PERMIT ISSUED**  
3 **IN ACCORDANCE WITH COMAR 08.03.09.11 TO HUNT DEER AT NIGHTTIME FOR A**  
4 **PERIOD NOT TO EXCEED 2 MONTHS EACH YEAR.**

5           **(2) ON OR BEFORE DECEMBER 1, 2023, AND EACH DECEMBER 1**  
6 **THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE SENATE EDUCATION,**  
7 **HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE**  
8 **ENVIRONMENT AND TRANSPORTATION COMMITTEE, IN ACCORDANCE WITH §**  
9 **2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE FOLLOWING FOR THE**  
10 **IMMEDIATELY PRECEDING CALENDAR YEAR:**

11                   **(I) THE NUMBER OF DEER COOPERATOR PERMITS AND**  
12 **AGRICULTURAL DEER COOPERATOR PERMITS ISSUED, INCLUDING AN ANALYSIS OF**  
13 **THE RESULTS OF EACH PERMIT COMPARED WITH THE OPERATIONAL PLAN FOR THE**  
14 **PERMIT;**

15                   **(II) THE NUMBER AND TYPE OF WILDLIFE TAKEN AT NIGHTTIME**  
16 **IN THE STATE; AND**

17                   **(III) TO THE EXTENT PRACTICABLE, AN ANALYSIS OF THE**  
18 **SOCIOECONOMIC IMPACT OF NIGHTTIME HUNTING.**

19 10-410.

20           **(b) [A] SUBJECT TO DEPARTMENT REGULATIONS AND EXCEPT AS**  
21 **PROVIDED IN § 10-206 OF THIS TITLE, A person may not hunt any game bird or mammal,**  
22 **except raccoon and opossum, at nighttime.**

23           **(e) (1) (I) [A person or 2 or more persons together] EXCEPT AS PROVIDED**  
24 **IN SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, A PERSON may not hunt or**  
25 **attempt to hunt at nighttime any species of wild bird or wild quadruped with a light,**  
26 **including the headlights of any vehicle, and a person may not cast the rays of any artificial**  
27 **light when the rays emanate from a vehicle on any woods, fields, orchards, livestock, wild**  
28 **animals or birds, dwellings, or buildings.**

29                   **(II) The provisions of this paragraph do not apply to [the]:**

30                           **1. THE normal use of headlights of a vehicle traveling on any**  
31 **public or private road in a normal manner[, to any];**

32                           **2. A police, emergency, or utility company vehicle using**  
33 **spotlights in the performance of their duties[, or to any];**

1                                   **3.**     A farmer or landowner on the farmer's or landowner's own  
2 or leased land using artificial lights to check on the farmer's or landowner's land, crops,  
3 livestock, or poultry; **OR**

4                                   **4.**     **A HOLDER OF A DEER COOPERATOR PERMIT OR AN**  
5 **AGRICULTURAL DEER COOPERATOR PERMIT HUNTING DEER AT NIGHTTIME IN**  
6 **ACCORDANCE WITH § 10-206 OF THIS TITLE. [However, raccoons]**

7                                   **(III) RACCOONS**, fox, or opossum may be hunted on foot at nighttime  
8 during open season with the use of a dog or light, or both.

9                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
10 1, 2022.