

# HOUSE BILL 301

M2  
HB 636/10 – ENV

11r0659  
CF 11r0726

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By: **Delegates Frush and Beitzel**

Introduced and read first time: February 2, 2011

Assigned to: Environmental Matters

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Committee Report: Favorable

House action: Adopted with floor amendments

Read second time: March 8, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Natural Resources – Suspension of Hunting Licenses and Privileges**

3 FOR the purpose of authorizing the Department of Natural Resources to suspend for  
4 certain periods of time the hunting license or privileges of a person who is  
5 convicted of a State or federal hunting violation; requiring the Department to  
6 suspend for a certain time period the hunting license or privileges of a person  
7 who receives within a certain time period a ~~certain~~ second conviction for a  
8 ~~hunting violation~~ certain hunting violations; authorizing the Department to  
9 order that certain persons not obtain a hunting license for a certain time period;  
10 repealing certain provisions of law authorizing the Department to impose a  
11 certain fine and certain hunting license suspensions for a conviction for certain  
12 hunting violations; authorizing a court to suspend the hunting license of a  
13 person convicted of a federal hunting violation and the hunting privileges of a  
14 person convicted of a State or federal hunting violation; prohibiting a person  
15 whose hunting license is suspended from hunting or performing certain hunting  
16 activities anywhere in the State; prohibiting a person whose hunting privileges  
17 are suspended from hunting, or performing certain activities related to hunting,  
18 in the State; authorizing the Department to adopt regulations to implement this  
19 Act; clarifying certain language; defining a certain term; and generally relating  
20 to the suspension of hunting licenses and privileges in the State.

21 BY repealing and reenacting, with amendments,

22 Article – Natural Resources

23 Section 10–205, 10–423, 10–1101, and 10–1108

24 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2007 Replacement Volume and 2010 Supplement)

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

4 **Article – Natural Resources**

5 10–205.

6 (a) Having a due regard for the distribution, abundance, economic value, and  
7 breeding habits of wildlife, the Secretary may adopt regulations to enlarge, extend,  
8 restrict, or prohibit hunting, possessing, selling, purchasing, shipping, carrying,  
9 transporting, or exporting wildlife.

10 (b) [In addition to any other penalty provided in this title, any person  
11 convicted of violating any regulation adopted by the Department shall be fined \$5 for  
12 each bird, mammal, amphibian, or reptile illegally hunted or possessed. However, this  
13 additional penalty does not apply to game birds and mammals. If a person is convicted  
14 a second or subsequent time within the same 12 month period for a violation of the  
15 regulations the Department adopts, the person:

16 (1) Shall have the person's hunter's license suspended; and

17 (2) May not procure a hunter's license the following calendar year.

18 (c) Notwithstanding any other provision of law, the Department may use a  
19 lottery-based system to issue hunting licenses, permits, or stamps.

20 10–423.

21 (a) Any penalty imposed under this section does not apply to an individual  
22 who kills or wounds a black bear in defense of the individual's own life, the lives of  
23 other individuals, or the lives of animals on the individual's property.

24 (b) If the Secretary adopts any regulation, including an emergency  
25 regulation, under § 10–205 of this title or § 10–405 of this subtitle to prohibit the  
26 hunting, possessing, selling, purchasing, shipping, carrying, transporting, or exporting  
27 of black bears, a person who violates the regulation is subject to the following  
28 penalties:

29 (1) For a first offense, a fine not exceeding \$1,500, imprisonment not  
30 exceeding 6 months, or both [and suspension of the person's hunting license and right  
31 to hunt any bird or game animal for a period of time not exceeding 2 years]; and

32 (2) For a second or subsequent offense, a fine not exceeding \$2,000,  
33 imprisonment not exceeding 1 year, or both [and suspension of the person's hunting

1 license and right to hunt any bird or game animal for a period of time not exceeding 4  
2 years].

3 10–1101.

4 (a) For the purpose of this title, each game bird or mammal taken illegally,  
5 purchased, offered for purchase, sold, bartered, or exchanged in excess of the bag limit  
6 or possessed illegally constitutes a separate offense.

7 (b) Any person who violates any provision of this title is guilty of a  
8 misdemeanor. Unless another penalty is specifically provided elsewhere in this title,  
9 the person, upon conviction, is subject to a fine not exceeding \$1,500, with costs  
10 imposed in the discretion of the court.

11 (c) (1) Unless another penalty is specifically provided elsewhere in this  
12 title any person found guilty of a second or subsequent violation of any provision of  
13 this title, is subject to a fine not exceeding \$4,000, or imprisonment not exceeding 1  
14 year, or both, with costs imposed in the discretion of the court.

15 (2) [In addition, the license under which the person operated in the  
16 commission of the violation shall be suspended for 12 months from the date of the  
17 second conviction.

18 (3) For the purpose of this subsection, a second or subsequent violation  
19 is a violation which has occurred within 2 years of any prior violation of this title and  
20 which arises out of a separate set of circumstances.

21 (d) In addition to any administrative penalty provided in this title, violation  
22 of any regulation adopted by any unit within the Department pursuant to the  
23 provisions of this title is a misdemeanor and is punishable as provided in subsections  
24 (b) and (c) of this section.

25 (e) This section does not apply to a violation of § 10–424(2) of this title.

26 10–1108.

27 (a) **IN THIS SECTION, “CONVICTION” MEANS:**

28 **(1) A PLEA OR VERDICT OF GUILTY; OR**

29 **(2) AN ACCEPTED PLEA OF NOLO CONTENDERE.**

30 **(B) (1) In addition to any other penalty, a court OR THE DEPARTMENT**  
31 **may suspend FOR A PERIOD NOT EXCEEDING 5 YEARS the hunting license OR**  
32 **HUNTING PRIVILEGES of any person who is convicted of violating IN THE STATE any**  
33 **provision of this title [or], any regulation adopted under this title, [for a period not**  
34 **exceeding 5 years] OR ANY COMPARABLE PROVISION OF FEDERAL LAW.**

1           (2)   (i)    A court **OR THE DEPARTMENT** may suspend for not more  
2 than 1 year the hunting license **OR HUNTING PRIVILEGES** of a person who is  
3 convicted of violating **THE TRESPASS PROVISIONS OF § 6-402** of the Criminal Law  
4 Article while carrying a firearm or bow and arrow for the purpose of hunting.

5                   (ii)   When a person not holding a hunting license is convicted of  
6 violating **THE TRESPASS PROVISIONS OF § 6-402** of the Criminal Law Article while  
7 carrying a firearm or bow and arrow for the purpose of hunting, the court **OR THE**  
8 **DEPARTMENT** may order that the person not obtain a hunting license for a period of  
9 not more than 1 year.

10           **(3)   (I)    FOR THE PURPOSES OF THIS SUBSECTION, A SECOND**  
11 **CONVICTION IS A CONVICTION FOR A VIOLATION THAT ARISES OUT OF A**  
12 **SEPARATE SET OF CIRCUMSTANCES.**

13                   **(II)   THE DEPARTMENT SHALL SUSPEND FOR A MINIMUM OF**  
14 **1 YEAR AND A MAXIMUM OF 5 YEARS THE HUNTING LICENSE AND HUNTING**  
15 **PRIVILEGES OF A PERSON WHO, IN ANY 12-MONTH PERIOD, RECEIVES A**  
16 **SECOND CONVICTION FOR VIOLATIONS OF STATE OR FEDERAL LAW DESCRIBED**  
17 **IN PARAGRAPH (1) OF THIS SUBSECTION ~~FOR A MINIMUM OF 1 YEAR AND A~~**  
18 **~~MAXIMUM OF 5 YEARS~~ THAT ARE NOT ADMINISTRATIVE OR MINOR IN NATURE AS**  
19 **DETERMINED BY THE DEPARTMENT.**

20           **[(b)] (C)**    If a person whose hunting license is suspended under this section  
21 passes another hunting safety course after the suspension has expired, the person may  
22 reapply for and be issued a hunting license.

23           **[(c)] (D)**    A person whose hunting license **[is] OR HUNTING PRIVILEGES**  
24 **ARE** suspended under this section may not:

25                   (1)    Hunt **[on any lands where a hunting license is required], TRAP,**  
26 **PURSUE GAME, OR CHASE FOX OR OTHER FURBEARERS ANYWHERE IN THE**  
27 **STATE; or**

28                   (2)    Purchase or attempt to purchase another hunting license during  
29 the period of suspension.

30           **(E)    THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS**  
31 **SECTION.**

32           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 2011.