

Subtitle 03 WILDLIFE

Authority: Natural Resources Article, §§10-1101.1, 10-1107 and 10-1108, Annotated Code of Maryland

08.03.16 Hunting Privilege, Suspension and Restitution

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Conviction" includes:

(a) A guilty verdict;

(b) Accepted plea of *nolo contendere*;

(c) An admission of guilt to any charge made by the prepayment of the applicable fine instead of appearing for trial; or

(d) Each charged violation merged into a conviction.

(2) "Deer poaching" means the illegal killing of a white-tailed or sika deer:

(a) After legal shooting hours;

(b) During a closed season;

(c) In violation of prescribed bag limits;

(d) In violation of a Department-issued permit;

(e) With an illegal weapon; or

(f) While trespassing.

(3) "Gross score" means the score derived by calculating the measurements of the antlers of white-tailed deer:

(a) In accordance with the Boone and Crockett Club Official Scoring System for North American Big Game Trophies Non-Typical Whitetail and Coues' Deer, 2015, which is incorporated by reference in Regulation .02 of this chapter;

(b) As taken by an official Boone and Crockett Club scorer; and

(c) As measured at any time with no drying time being required.

(4) "Privilege" means the ability to hunt without a hunting license under the exemptions provided in Natural Resources Article, §10-301(c), Annotated Code of Maryland.

(5) "Suspension" means the act of the Department temporarily rescinding a hunting license or privilege and thereby temporarily prohibiting a person from engaging in a hunting activity or activities under any circumstances.

.02 Incorporation by Reference.

A. In this chapter, the following documents are incorporated by reference.

B. Document Incorporated. Boone and Crockett Club Official Scoring System for North American Big Game Trophies Non-Typical Whitetail and Coues' Deer, 2015.

.03 Suspension.

A. Any person who is convicted of an offence under §§B—D of this regulation or similar offences under federal law in Maryland may:

(1) Have all hunting licenses, permits or stamps issued by the Department suspended;

(2) Be prohibited from engaging in any hunting activity for the period of time described in §§B—D of this regulation; and

(3) Be prohibited from applying for any hunting license, permit or stamp for the period of time described in §§B—D of this regulation.

B. A person who receives a conviction for one of the following violations may be suspended for one year.

	Statute or Regulation	Description
1	10-310	Making a false statement to obtain a hunting license, stamp, permit or DNRid
2	10-404, COMAR 08.03.03	Hunting, possessing or transporting any bear, deer, turkey or migratory waterfowl during closed season or in excess of daily or season limits
3	10-2A-05, COMAR 08.03.08.04, COMAR 08.03.08.07	Killing a threatened or endangered species while hunting
4	COMAR 08.03.10.07; COMAR 08.03.04.11	Unlawful use of bait
5	10-1108(c)(2)(iv)	Failure of a non-resident of Maryland to appear in court in accordance with a natural resources citation

C. A person who receives a conviction for one of the following violations may be suspended for three years.

	Statute or Regulation	Description
1	10-1108(c)	Hunting while revoked or suspended

2	10-410(i)	Carrying a firearm while hunting under the influence of alcohol or a narcotic drug
<i>D. A person who receives a conviction for one of the following violations may be suspended for five years.</i>		
	<i>Statute or Regulation</i>	<i>Description</i>
1	10-424	Carelessly or negligently shooting, wounding or killing another person.
1	10-424	Intentionally or willfully destroying or damaging real property, personal property or farm livestock of another person.
1	10-424	Intentionally or willfully destroying or damaging a domesticated animal that is in a safety zone established under Natural Resources Article, §10-410(g).
2	10-1108(c)(2)(ii)	A separate conviction within 12 months of a suspension issued pursuant to this regulation resulting from a separate incident than the violation for which the suspension was imposed

.04 Restitution for Deer.

A. In accordance with Natural Resources Article, §10-1101.1, Annotated Code of Maryland, a person convicted of deer poaching in Maryland shall pay restitution.

B. Amount of Restitution.

(1) For each antlered white-tailed deer that obtains a gross score of more than 150 gross inches, a person convicted of deer poaching shall:

- (a) Pay restitution of not less than \$5,000 but not exceeding \$10,000; and
- (b) Perform 80 hours of community service.

(2) For each sika deer or antlered white-tailed deer that obtains a gross score of 150 gross inches or less, a person convicted of deer poaching shall:

- (a) Pay restitution of not less than \$2,000 but not exceeding \$5,000; and
- (b) Perform 80 hours of community service.

(3) A sika or antlered white-tailed deer with 8 antler points or less shall be deemed to have a gross score of less than 150 gross inches for the purposes of this regulation and does not require measurement.

(4) For each antlerless white-tailed deer, a person convicted of deer poaching shall:

- (a) Pay restitution of not less than \$300 but not exceeding \$500; or
- (b) Perform 40 hours of community service.

.05 Restitution for Wildlife Species other than Deer.

A. If a person is convicted of violating any provision of Natural Resources Article, Title 10, and the violation causes or results in the injury, death, or destruction of any wildlife, a court may order the person convicted to pay restitution to the State for the resource value of the wildlife taking into account the values provided in this regulation.

B. The monetary values, per animal, for wildlife species within the following categories, as defined in Natural Resources Article, §10-101 and §10-2A-01, Annotated Code of Maryland, and COMAR 08.03.08 are:

- (1) Endangered species = \$2,000;
- (2) Black bear = \$1,500;
- (3) Threatened species = \$1,000;
- (4) Forest game birds and mammals, other than deer and black bear = \$500;
- (5) Wild waterfowl = \$500;
- (6) Fur-bearing mammals = \$100;
- (7) Nongame birds and mammals = \$100;
- (8) Upland game birds and mammals = \$100; and
- (9) Wetland game birds = \$100.