

## **PENALTY SYSTEM — Updates to Commercial and Recreational Penalty Schedules**

### **What is being considered?**

The department would like to update the commercial and recreational penalty schedules.

#### 1. Commercial updates:

- Add penalties for setting crab pots prior to the start of the season
  - 5-14 pots set before the season: 5 points
  - 15 or more pots set before the season: 10 points
- Remove the penalty for a limited crab catcher (LCC) licensee setting more pots than allowed

#### 2. Recreational updates:

- Remove the 30-day suspension tier. Move violations currently in this tier to the 90-day suspension tier
- Add tiers for possession of striped bass during a closed season
  - 1-4 fish: 1 year
  - 5-9 fish: 2 years
  - 10 or more fish: 5 years

3. Housekeeping updates: References to regulations which have been removed or amended will be updated.

### **Why is this change necessary?**

The department regularly updates its penalty schedule under the advice of the Sport Fisheries Advisory Commission/Tidal Fisheries Advisory Commission Joint Penalty Workgroup. The changes the department is considering are recommendations of the workgroup.

For the commercial updates, the addition of setting crab pots prior to the start of the season matches tiers of similar offenses pertaining to the illegal setting of pots. The removal of an LCC licensee setting more pots than allowed will create consistency and fairness among commercial licensees. Currently, only LCC licensees could face an administrative penalty for setting too many pots.

For the recreational updates, the lowest tier of recreational suspensions is ineffective in discouraging illegal activity and places too much of an administrative burden on the department for too little return. The workgroup recommended elevating the six violations that currently incur a 30-day suspension to the 90-day tier and removing entirely the 30-day tier from regulation. The addition of tiers for possession of striped bass during a closed season is intended to recognize the increasing gravity of the offense when larger numbers of striped bass are kept out of season. When the current 1-year suspension was adopted for possession of striped bass during a closed season, 1 year was the maximum recreational suspension for any one violation. The department has since added 2-year and 5-year tiers for recreational violations. Adding tiers to the possession of striped bass out of season will recognize the difference between keeping a small number out of season versus a larger number, which will ensure that more egregious offenders are punished in a more severe manner than less egregious offenders.

**Who will this affect?**

This action will affect individuals who violate Maryland fisheries laws.

**When will this be effective?**

The department expects this change to be effective in 2021, however the exact date cannot be determined. The department will follow our normal scoping and proposal procedures.

**Has this change been discussed with advisory groups?**

1. Penalty Workgroup on August 19, 2020.
2. Discussed at Sport Fisheries Advisory Commission (SFAC) and Tidal Fish Advisory Commission (TFAC) October 2020 meetings as part of the workgroup reports.
3. Scoped with SFAC and TFAC at their January 2021 meetings. Commissioners did not have comments at this meeting and recommended that the department move forward with the normal scoping process.

**Additional Info**

Information about penalties, including tables for commercial and recreational violations can be found in the Code of Maryland Regulations (COMAR).

Fishing Licenses — Point Assignment, License Revocation and Suspension Schedule and Criteria, and Hearing Procedure ([COMAR 08.02.13](#))