



*Larry Hogan, Governor*  
*Boyd Rutherford, Lt. Governor*  
*Mark Belton, Secretary*  
*Joanne Throwe, Deputy Secretary*

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March 22, 2017

The Honorable Joan Carter Conway  
Chair, Education, Health and Environmental Affairs Committee  
2W Miller Senate Office Building  
Annapolis, Maryland 21401

The Honorable Kumar Barve  
Chair, Environment and Transportation Committee  
251 House Office Building  
Annapolis, Maryland 21401

**Re: Submission of Report on Natural Resources-Poaching Restitution Act of 2016**

**Agency:** Maryland Department of Natural Resources

**Report Authority:** § 3 of 2016 Chapter 663, SB 266 and Chapter 664, HB 410 (MSAR #10998)

Dear Chairwoman Conway and Chairman Barve:

In accordance with Chapter 663 and Chapter 664 in 2016, the Department of Natural Resources (DNR) analyzed the utilization of a database to be in state compliance with the Poaching Restitution Act of 2016. It was found that existing databases used by the Department of Natural Resources could be adjusted to meet the method and substance of data being entered, as well as to accomplish an accounting of the proceeds from disposition of property. This report details the procedures used for modification of the existing databases to provide this system of accounting.

When property is initially seized as the result of a wildlife offense, that property is transported to an approved Natural Resources Police (NRP) evidence storage facility, normally an Area Office or our Matapeake office. At the facility, a property tag is affixed to the property. In the past, the property tag was completed by hand and the item was entered into the agency electronic records management system (RMS). Since the passage of HB 410, the tagging system has been improved to require affixing a bar coded evidence identification label to the property tag. This bar code is scanned and the property becomes a permanent electronic record in the RMS, associated with an incident number. This bar code allows the property officer to electronically check property into, and out of, the RMS, to include final disposition of the property. One of the options for disposition of property is "Auctioned". The property officer is required to select this option for any item forfeited by the courts, which the agency decides to sell. The sale amount for that item is entered into the comments section of the RMS record, providing a complete record of the property item from seizure to sale.

The proceeds from the sale of the property item are forwarded to the NRP Chief of Administrative Services Bureau, who forwards the proceeds to DNR Fiscal and Administrative Services for deposit as revenue into a specific agency budget code that has been created for forfeitures (PCA G0702). Noted in the record of revenue is the incident number that resulted in the forfeiture and subsequent sale of property. This incident number, when entered into the RMS, provides a complete record of that incident number, including the complete property record from seizure through disposition.

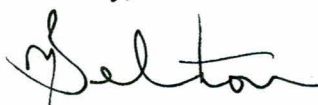
Since HB 410 became effective on June 1, 2016, the NRP has realized no proceeds from the disposition of property from wildlife offenses. Many small property items (flashlights, spotlights, knives, rangefinders, binoculars, backpacks, etc.) are transferred to officers for field use. All other small items that are not usable are destroyed, as little revenue would result from sale of these items and associated administrative costs would outweigh revenue. The agency does not sell tree stands due to concerns over liability, as a majority of hunting accidents in Maryland involve falls from faulty or improperly used tree stands. Tree stands that are in good condition have been repurposed for use in demonstrations by certified instructors in the Maryland Hunter Education Program. Firearms forfeited by the courts are destroyed, as has been agency practice since the late 1990s. Just recently over 200 firearms were destroyed through a private vendor contracted by the agency.

Maryland Natural Resource Police believes the use of existing technology and a database system satisfies the accountability requirement of Chapter 664, Section 3. In addition, a letter dated July 14, 2016 to the Judiciary Courts, attached, verifies the Department of Natural Resources collaborative effort.

On a related topic, Section 4 of Chapter 663 in 2016 requires that the NRP work with local law enforcement to develop protocols for timely investigation of reported deer poaching. This type of dialogue occurs on a regular basis between NRP and other State and local law enforcement agencies, and has resulted in strengthened working relationships. The results seem to be most evident in Central and Southern Regions, ironically some of the most populated areas of the state. This is likely related not only to ongoing dialogue, but also to the density of law enforcement in these areas and the likelihood of residents to call 911 rather than DNR Communications when they observe a violation. These two factors result in faster response times by local agencies, whose officers apprehend violators that they encounter, then contact NRP for assistance with investigation and charging.

If you have any questions about this submission, please do not hesitate to contact Allison Cordell, the Department's Legislative Director at 410-260-8112 or [Allison.cordell@maryland.gov](mailto:Allison.cordell@maryland.gov).

Sincerely,



Mark Belton  
Secretary

Attachment

cc: Sarah Albert, Department of Legislative Services, Library



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Kelley O'Conner  
Judiciary Courts  
Government Relations Division  
580 Taylor Avenue  
Annapolis, MD 21401

July 14, 2016

Dear Mr. O'Conner,

The Maryland Department of Natural Resources is writing to you and the Maryland Judiciary Courts in regards to state compliance with the Poaching Restitution Act of 2016.

Restitution payments are to be paid directly to Maryland Department of Natural Resources, State Wildlife Management and Protection Fund. All other fines imposed by the District Court for a violation of any provision of the Poaching Restitution Act, shall be collected pursuant to the provisions of law of the District Court system. The Department of Natural Resources has developed a database that accounts for the disposition of proceeds derived from confiscated property used in the commission of a wildlife offense as set forth in § 10-1106 in the Natural Resources Article.

We continue to work with local law enforcement agencies in developing protocols and strategies that facilitate a coordinated time-sensitive approach to investigate reports of deer poaching, including the authority to legally charge individuals suspected of poaching and to confiscate the property used in the commission of the offense.

The Department has the authority to implement regulations on the Poaching Restitution Act of 2016 and will inform the court of regulation changes approved by the Joint Committee on Administrative, Executive, and Legislative Review (AELR).

The following scenario is posited. The Natural Resource Police will issue a citation to an individual for illegally killing a deer. If the Natural Resource Police suspects the deer is eligible for the restitution penalty, they will ask the Court to consider restitution during sentencing. If convicted, the individual will pay the associated fines to the courts and be required to pay restitution to the Wildlife Management and Protection Fund which is administered by Wildlife and Heritage Services within the Department of Natural Resources.

If the deer has rather large antlers and the Natural Resource Police suspect it will measure 150" they will ask a Boone and Crockett scorer to measure the antlers. They will keep the deer antlers and the score sheet until the

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410-260-8DNR or toll free in Maryland 877-620-8DNR – [dnr.maryland.gov](http://dnr.maryland.gov) – TTY Users Call via the Maryland Relay



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court date and present to court as part of the case. It is presumed the Natural Resource Police will have a Boone and Crockett scorers on staff and/or have willing volunteer scorers.

In the end, based on prior history and the demographics of our deer population, the Department of Natural Resources estimates there will be no more than one or two 150" or larger deer cases each year. The remaining deer will not require measuring; only proof that that they were killed illegally and conviction thereof.

If you have questions or concerns, please contact me at (410)260-8112 or email me  
[Allison.Cordell@maryland.gov](mailto:Allison.Cordell@maryland.gov).

Sincerely,  
Allison

Allison Cordell  
Legislative Liaison  
Department of Natural Resources

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