

CHAPTER 51

(Senate Bill 119)

AN ACT concerning

Fish – Seizure of Equipment

FOR the purpose of repealing the requirement that the Department of Natural Resources seize certain devices, equipment, conveyances, or property used in violation of certain fishing laws; making seizure discretionary; and generally relating to the seizure of fishing devices that are used unlawfully.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 4-1206(a)

Annotated Code of Maryland

(1989 Replacement Volume and 1990 Supplement)

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

Article – Natural Resources

4-1206.

(a) A Natural Resources police officer or any law enforcement officer, upon arresting any person for violating any provision of this title or any rule or regulation promulgated pursuant to it, [shall immediately] MAY seize every device, equipment, conveyance, or property unlawfully used. If the owner or person in charge of the seized device, equipment, conveyance, or property is convicted, the court may declare the device, equipment, conveyance, or property forfeited in addition to any other penalty provided in this title. Any forfeiture becomes the property of the Department for disposition at its discretion. If the owner is not known, the court may proceed ex parte to hear and determine any question of forfeiture. If the owner or person charged with the violation is not convicted, the device, equipment, conveyance, or property seized shall be released and returned to the owner or person charged.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1991.

Approved April 9, 1991.