

# HOUSE BILL 899

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By: **Delegate Grammer**

Introduced and read first time: February 3, 2020

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Illegal Dumping and Litter Control – Criminal Penalties and Fund**

3 FOR the purpose of establishing certain minimum fines for certain violations under the  
4 Illegal Dumping and Litter Control Law; decreasing the maximum term of  
5 imprisonment for certain violations under the Illegal Dumping and Litter Control  
6 Law; specifying that certain fines be disbursed in a certain manner for certain  
7 purposes; authorizing a person to file an application for a statement of charges with  
8 a District Court commissioner against another person who is alleged to have  
9 committed a violation under the Illegal Dumping and Litter Control Law;  
10 establishing the Clean Up and Green Up Maryland Fund as a special, nonlapsing  
11 fund; specifying the purpose of the Fund; requiring the Maryland Environmental  
12 Trust to administer the Fund; requiring the State Treasurer to hold the Fund and  
13 the Comptroller to account for the Fund; specifying the contents of the Fund;  
14 specifying the purpose for which the Fund may be used; providing for the investment  
15 of money in and expenditures from the Fund; providing that money expended from  
16 the Fund for certain grants is supplemental to and not intended to take the place of  
17 certain other appropriations; requiring interest earnings of the Fund to be credited  
18 to the Fund; exempting the Fund from a certain provision of law requiring interest  
19 earnings on State money to accrue to the General Fund of the State; defining a  
20 certain term; and generally relating to the Illegal Dumping and Litter Control Law  
21 and the Clean Up and Green Up Maryland Fund.

22 BY repealing and reenacting, with amendments,  
23 Article – Criminal Law  
24 Section 10–110  
25 Annotated Code of Maryland  
26 (2012 Replacement Volume and 2019 Supplement)

27 BY adding to  
28 Article – Natural Resources  
29 Section 3–210.1

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2018 Replacement Volume and 2019 Supplement)

3 BY repealing and reenacting, without amendments,  
4 Article – State Finance and Procurement  
5 Section 6–226(a)(2)(i)  
6 Annotated Code of Maryland  
7 (2015 Replacement Volume and 2019 Supplement)

8 BY repealing and reenacting, with amendments,  
9 Article – State Finance and Procurement  
10 Section 6–226(a)(2)(ii)121. and 122.  
11 Annotated Code of Maryland  
12 (2015 Replacement Volume and 2019 Supplement)

13 BY adding to  
14 Article – State Finance and Procurement  
15 Section 6–226(a)(2)(ii)123.  
16 Annotated Code of Maryland  
17 (2015 Replacement Volume and 2019 Supplement)

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

20 **Article – Criminal Law**

21 10–110.

22 (a) (1) In this section the following words have the meanings indicated.

23 (2) “Bi–county unit” means:

24 (i) the Maryland–National Capital Park and Planning Commission;

25 or

26 (ii) the Washington Suburban Sanitary Commission.

27 (3) (i) “Bulky item” means any discarded furniture, home or industrial  
28 appliance, or abandoned vehicle or part of an abandoned vehicle not designated for disposal  
29 purposes under the laws of Prince George’s County.

30 (ii) “Bulky item” does not include discarding, dropping, or scattering  
31 of small quantities of waste matter ordinarily carried on or about the person, including:

32 1. beverage containers and closures;

33 2. packaging;

- 1                                    3.     wrappers;
- 2                                    4.     wastepaper;
- 3                                    5.     newspapers;
- 4                                    6.     magazines; and
- 5                                    7.     waste matter that escapes or is allowed to escape from a  
6 container, receptacle, or package.

7                    (4)    “Litter” means all rubbish, waste matter, refuse, garbage, trash, debris,  
8 dead animals, or other discarded materials of every kind and description.

9                    (5)    “Public or private property” means:

- 10                            (i)    the right-of-way of a road or highway;
- 11                            (ii)   a body of water or watercourse or the shores or beaches of a body  
12 of water or watercourse;
- 13                            (iii)   a park;
- 14                            (iv)   a parking facility;
- 15                            (v)    a playground;
- 16                            (vi)   public service company property or transmission line  
17 right-of-way;
- 18                            (vii)   a building;
- 19                            (viii)  a refuge or conservation or recreation area;
- 20                            (ix)   residential or farm property; or
- 21                            (x)    timberlands or a forest.

22                    (b)    The General Assembly intends to:

23                            (1)    prohibit uniformly throughout the State the improper disposal of litter  
24 on public or private property; and

25                            (2)    curb the desecration of the beauty of the State and harm to the health,  
26 welfare, and safety of its citizens caused by the improper disposal of litter.

1 (c) A person may not:

2 (1) dispose of litter on a highway or perform an act that violates the State  
3 Vehicle Laws regarding disposal of litter, glass, and other prohibited substances on  
4 highways; or

5 (2) dispose or cause or allow the disposal of litter on public or private  
6 property unless:

7 (i) the property is designated by the State, a unit of the State, or a  
8 political subdivision of the State for the disposal of litter and the person is authorized by  
9 the proper public authority to use the property; or

10 (ii) the litter is placed into a litter receptacle or container installed  
11 on the property.

12 (d) If two or more individuals are occupying a motor vehicle, boat, airplane, or  
13 other conveyance from which litter is disposed in violation of subsection (c) of this section,  
14 and it cannot be determined which occupant is the violator:

15 (1) if present, the owner of the conveyance is presumed to be responsible  
16 for the violation; or

17 (2) if the owner of the conveyance is not present, the operator is presumed  
18 to be responsible for the violation.

19 (e) Notwithstanding any other law, if the facts of a case in which a person is  
20 charged with violating this section are sufficient to prove that the person is responsible for  
21 the violation, the owner of the property on which the violation allegedly occurred need not  
22 be present at a court proceeding regarding the case.

23 (f) (1) A person who violates this section is subject to the penalties provided  
24 in this subsection.

25 (2) (i) A person who disposes of litter in violation of this section in an  
26 amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is guilty of  
27 a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a  
28 fine **OF NOT LESS THAN \$150 AND** not exceeding \$1,500 or both.

29 (ii) A person who disposes of litter in violation of this section in an  
30 amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216 cubic  
31 feet, and not for commercial gain is guilty of a misdemeanor and on conviction is subject to  
32 imprisonment not exceeding [1 year] **60 DAYS** or a fine **OF NOT LESS THAN \$1,250 AND**  
33 not exceeding \$12,500 or both.

34 (iii) A person who disposes of litter in violation of this section in an  
35 amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial gain is

1 guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [5  
2 years] **90 DAYS** or a fine **OF NOT LESS THAN \$3,000 AND** not exceeding \$30,000 or both.

3 (3) In addition to the penalties provided under paragraph (2) of this  
4 subsection, a court may order the violator to:

5 (i) remove or render harmless the litter disposed of in violation of  
6 this section;

7 (ii) repair or restore any property damaged by, or pay damages for,  
8 the disposal of the litter in violation of this section;

9 (iii) perform public service relating to the removal of litter disposed  
10 of in violation of this section or to the restoration of an area polluted by litter disposed of in  
11 violation of this section; or

12 (iv) reimburse the State, county, municipal corporation, or bi-county  
13 unit for its costs incurred in removing the litter disposed of in violation of this section.

14 (4) (i) If a person is convicted of a violation under this section and the  
15 person used a motor vehicle in the commission of the violation, the court shall notify the  
16 Motor Vehicle Administration of the violation.

17 (ii) The Chief Judge of the District Court and the Administrative  
18 Office of the Courts, in conjunction with the Motor Vehicle Administration, shall establish  
19 uniform procedures for reporting a violation under this paragraph.

20 (g) A law enforcement unit, officer, or official of the State or a political subdivision  
21 of the State, or an enforcement unit, officer, or official of a commission of the State, or a  
22 political subdivision of the State, shall enforce compliance with this section.

23 (h) A unit that supervises State property shall:

24 (1) establish and maintain receptacles for the disposal of litter at  
25 appropriate locations where the public frequents the property;

26 (2) post signs directing persons to the receptacles and serving notice of the  
27 provisions of this section; and

28 (3) otherwise publicize the availability of litter receptacles and the  
29 requirements of this section.

30 (i) (1) **[Fines] OF THE FINES** collected for violations of this section:

31 **(I) 50%** shall be disbursed:

1                                    [(i)] 1.     to the county or municipal corporation where the violation  
2 occurred; or

3                                    [(ii)] 2.     if the bi-county unit is the enforcement unit and the  
4 violations occurred on property over which the bi-county unit exercises jurisdiction, to the  
5 bi-county unit; AND

6                                    (II)    50% SHALL BE PAID INTO THE CLEAN UP AND GREEN UP  
7 MARYLAND FUND ESTABLISHED UNDER § 3-210.1 OF THE NATURAL RESOURCES  
8 ARTICLE.

9                                    (2)    Fines [collected] DISBURSED IN ACCORDANCE WITH PARAGRAPH  
10 (2)(I) OF THIS SUBSECTION shall be used to pay for litter receptacles and posting signs  
11 as required by subsection (h) of this section and for other purposes relating to the removal  
12 or control of litter.

13                                    (j)    (1)    The legislative body of a municipal corporation may:

14    (i)    prohibit littering; and

15    (ii)   classify littering as a municipal infraction under Title 6 of the  
16 Local Government Article.

17                                    (2)    The governing bodies of Prince George's County, Calvert County, and  
18 Montgomery County may each adopt an ordinance to prohibit littering under this section  
19 and, for violations of the ordinance, may impose criminal penalties and civil penalties that  
20 do not exceed the criminal penalties and civil penalties specified in subsection (f)(1) through  
21 (3) of this section.

22                                    (3)    (i)    The governing body of Prince George's County may adopt an  
23 ordinance to prohibit the disposal of a bulky item:

24    1.     on a highway; or

25    2.     on public or private property unless the property is  
26 designated by the State, a unit of the State, or a political subdivision of the State for the  
27 disposal of bulky items and the person is authorized by the proper public authority to use  
28 the property.

29    (ii)   For violations of the ordinance adopted under this paragraph,  
30 Prince George's County may impose criminal penalties and civil penalties that do not  
31 exceed the criminal penalties and civil penalties specified in subparagraph (iii) of this  
32 paragraph.

33    (iii) A person who disposes of a bulky item in violation of this  
34 paragraph is guilty of a misdemeanor and on conviction is subject to imprisonment not

1 exceeding 30 days or a fine not exceeding \$5,000 or both.

2 **(K) ANY PERSON MAY FILE AN APPLICATION FOR A STATEMENT OF**  
3 **CHARGES WITH A DISTRICT COURT COMMISSIONER AGAINST ANOTHER PERSON**  
4 **WHO IS ALLEGED TO HAVE COMMITTED A VIOLATION OF THIS SECTION.**

5 **[(k)] (L)** This section may be cited as the “Illegal Dumping and Litter Control  
6 Law”.

7 **Article – Natural Resources**

8 **3–210.1.**

9 **(A) IN THIS SECTION, “FUND” MEANS THE CLEAN UP AND GREEN UP**  
10 **MARYLAND FUND.**

11 **(B) THERE IS A CLEAN UP AND GREEN UP MARYLAND FUND.**

12 **(C) THE PURPOSE OF THE FUND IS TO PROVIDE GRANTS TO ELIGIBLE**  
13 **COMMUNITY GROUPS AND NONPROFIT ORGANIZATIONS TO ASSIST WITH THE COSTS**  
14 **ASSOCIATED WITH NEIGHBORHOOD CLEANLINESS AND BEAUTIFICATION**  
15 **ACTIVITIES, INCLUDING LITTER REMOVAL, GREENING ACTIVITIES, COMMUNITY**  
16 **EDUCATION, AND CITIZEN STEWARDSHIP.**

17 **(D) THE MARYLAND ENVIRONMENTAL TRUST SHALL ADMINISTER THE**  
18 **FUND.**

19 **(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**  
20 **SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

21 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**  
22 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

23 **(F) THE FUND CONSISTS OF:**

24 **(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 10–110(I) OF THE**  
25 **CRIMINAL LAW ARTICLE;**

26 **(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

27 **(3) INTEREST EARNINGS OF THE FUND; AND**

28 **(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**  
29 **THE BENEFIT OF THE FUND.**

1 (G) THE FUND MAY BE USED ONLY TO PROVIDE GRANTS TO ELIGIBLE  
2 COMMUNITY GROUPS AND NONPROFIT ORGANIZATIONS TO ASSIST WITH THE COSTS  
3 ASSOCIATED WITH NEIGHBORHOOD CLEANLINESS AND BEAUTIFICATION  
4 ACTIVITIES, INCLUDING LITTER REMOVAL, GREENING ACTIVITIES, COMMUNITY  
5 EDUCATION, AND CITIZEN STEWARDSHIP.

6 (H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND  
7 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

8 (2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO  
9 THE FUND.

10 (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE  
11 WITH THE STATE BUDGET.

12 (J) MONEY EXPENDED FROM THE FUND FOR GRANTS UNDER THIS SECTION  
13 IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT  
14 OTHERWISE WOULD BE APPROPRIATED FOR NEIGHBORHOOD CLEANLINESS AND  
15 BEAUTIFICATION ACTIVITIES.

## 16 Article – State Finance and Procurement

17 6–226.

18 (a) (2) (i) Notwithstanding any other provision of law, and unless  
19 inconsistent with a federal law, grant agreement, or other federal requirement or with the  
20 terms of a gift or settlement agreement, net interest on all State money allocated by the  
21 State Treasurer under this section to special funds or accounts, and otherwise entitled to  
22 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General  
23 Fund of the State.

24 (ii) The provisions of subparagraph (i) of this paragraph do not apply  
25 to the following funds:

26 121. the Markell Hendricks Youth Crime Prevention and  
27 Diversion Parole Fund; [and]

28 122. the Federal Government Shutdown Employee Assistance  
29 Loan Fund; AND

### 30 123. THE CLEAN UP AND GREEN UP MARYLAND FUND.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 2020.