

Department of Legislative Services
 Maryland General Assembly
 2020 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 77 (Anne Arundel County Delegation)
 Environment and Transportation

Judicial Proceedings

**Anne Arundel County - Illegal Dumping and Litter Control Law - Adoption of
 Local Ordinance**

This bill authorizes the governing body of Anne Arundel County to adopt an ordinance to prohibit littering and to impose criminal and civil penalties for violations. The bill prohibits the county from imposing penalties that exceed existing penalties specified under statute.

Fiscal Summary

State Effect: General fund expenditures increase by \$8,500 in FY 2021 only for computer programming. State revenues are not affected.

(in dollars)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	8,500	0	0	0	0
Net Effect	(\$8,500)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not expected to materially affect Anne Arundel County finances or operations.

Small Business Effect: None.

Analysis

Current Law: Under § 10-110 of the Criminal Law Article, a person may not (1) dispose of litter on a highway or perform an act that violates the Maryland Vehicle Law regarding disposal of litter, glass, and other prohibited substances on highways or (2) dispose or cause or allow the disposal of litter on public or private property unless the property meets

specified designation requirements and the person is authorized by the proper public authority to use the property or the litter is placed into a litter receptacle or container installed on the property.

If two or more individuals are occupying a motor vehicle, boat, airplane, or other conveyance from which litter is disposed and it cannot be determined which occupant is the violator, the owner is presumed to be responsible for the violation if he/she is present. If the owner of the conveyance is not present, the operator is presumed to be responsible for the violation.

An individual who violates § 10-110 is guilty of a misdemeanor and subject to the following penalties, depending on the weight or volume of the disposed litter:

- up to 100 pounds or 27 cubic feet (not for commercial gain) – imprisonment for up to 30 days and/or a \$1,500 maximum fine;
- more than 100 pounds or 27 cubic feet and up to 500 pounds or 216 cubic feet (not for commercial gain) – imprisonment for up to one year and/or a \$12,500 maximum fine; and
- more than 500 pounds or 216 cubic feet (not for commercial gain) or any amount for commercial gain – imprisonment for up to five years and/or a \$30,000 maximum fine.

In addition to these penalties, the court may order the violator to perform relevant community service, reimburse the appropriate governmental entity for specified costs incurred, or perform specified reparative tasks.

Fines collected for violations must be disbursed to the appropriate governmental entity and collected fines must be used to pay for litter receptacles, posting required signs, and for other purposes relating to the removal or control of litter.

The legislative body of a municipality may prohibit littering and classify littering as a municipal infraction under Title 6 of the Local Government Article.

The governing bodies of Calvert, Montgomery, and Prince George’s counties may each adopt an ordinance to prohibit littering under § 10-110 and, for violations of the ordinance, may impose criminal penalties and civil penalties that do not exceed the aforementioned criminal penalties and civil penalties.

State/Local Fiscal Effect: General fund expenditures increase by \$8,500 in fiscal 2021 only for the Judiciary to reprogram cash register systems in the trial courts.

A defendant whose actions are prohibited by State and local law or ordinance can be charged only with a violation of either the State law or the local law or ordinance. Moreover, to the extent that Anne Arundel County exercises its authority under the bill to adopt an ordinance to prohibit littering, the county may not impose any penalties that exceed existing penalties under State law. Thus, the bill is not expected to materially affect the amount of fines assessed or the number of persons incarcerated, if any, for violations of the prohibition on littering.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 60 (Senator Simonaire, *et al.*) - Judicial Proceedings.

Information Source(s): Anne Arundel County; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Maryland Department of the Environment; Department of Legislative Services

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Analysis by: Donovan A. Ham

Direct Inquiries to:
(410) 946-5510
(301) 970-5510