

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1467
Judiciary

(Calvert County Delegation)

Calvert County - Criminal Law - Refusal or Failure to Leave Public Building or
Grounds

This bill prohibits a person from refusing or failing to leave a public building or grounds, including a recreational facility or park lands, or a specific part of a public building or grounds owned by Calvert County if the person has been served a court order, a trespass warning, or any other official government document prohibiting the person from returning to the public building or grounds, or a specific portion of the public building or grounds, at the time of the violation. Violators are guilty of a misdemeanor, punishable by imprisonment for up to six months and/or a \$1,000 maximum fine.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's expanded application of an existing monetary penalty provision. Expenditures are not affected.

Local Effect: Potential minimal increase in Calvert County expenditures due to the bill's expanded application of an existing incarceration penalty. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: A person may not refuse or fail to leave a public building or grounds, or a specific part of a public building or grounds, during the time when the public building or grounds, or specific part of the public building or grounds, is regularly closed to the public if (1) the surrounding circumstances would indicate to a reasonable person that the person

who refuses or fails to leave has no apparent lawful business to pursue at the public building or grounds and (2) a regularly employed guard, watchman, or other authorized employee of the government unit that owns, operates, or maintains the public building or grounds asks the person to leave.

A person may not refuse or fail to leave a public building or grounds, or a specific part of a public building or grounds, during regular business hours if (1) the surrounding circumstances would indicate to a reasonable person that the person who refuses or fails to leave has no apparent lawful business to pursue at the public building or grounds or is acting in a manner disruptive of and disturbing to the conduct of normal business by the government unit that owns, operates, or maintains the public building or grounds and (2) an authorized employee of the government unit asks the person to leave.

Violators are guilty of a misdemeanor, punishable by imprisonment for up to six months and/or a \$1,000 maximum fine.

Additional Information

Prior Introductions: HB 622 of 2019, a similar bill with statewide application, received a hearing in the House Judiciary Committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): Calvert County; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2020
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Analysis by: Hillary J. Cleckler

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