

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1448

(Delegate Clippinger)

Judiciary

Judicial Proceedings

District Court – Concurrent Civil Jurisdiction – Violation of Ordinances

This bill establishes that a county or Baltimore City has concurrent civil jurisdiction (with the District Court) to adjudicate violations of specified local ordinances. The governing body of a county or the Mayor and City Council of Baltimore may delegate the authority to adjudicate violations to a board, commission, agency, or an officer under its jurisdiction and control. **The bill takes effect June 1, 2022.**

Fiscal Summary

State Effect: The bill does not materially affect State finances but may result in operational efficiencies, as discussed below.

Local Effect: Local government finances and operations may be affected, as discussed below.

Small Business Effect: Minimal.

Analysis

Bill Summary: The District Court has concurrent civil jurisdiction with a governing body of a county or the Mayor and City Council of Baltimore over a proceeding for adjudication of a violation of an ordinance enacted (1) by a charter county for which a civil penalty is provided under § 10-202 of the Local Government Article; (2) by the Mayor and City Council of Baltimore for which a civil penalty is provided by ordinance; or (3) by a code county for which a civil citation is issued under Title 11, Subtitle 3 of the Local Government Article.

The governing body of a county or the Mayor and City Council of Baltimore may delegate the authority (described above) to a board, commission, agency, or officer under its jurisdiction and control. Correspondingly, the bill amends § 10-305 of the Local Government Article to specify that a county board of appeals may have original jurisdiction or jurisdiction to review the action of an administrative officer or unit of county government over matters arising under any law, ordinance, or regulation of the county council that concerns the adjudication of a violation of an ordinance that has been delegated in the manner authorized under the bill.

Current Law:

Jurisdiction over Civil Penalties

The District Court generally has exclusive original civil jurisdiction over the types of violations covered by the bill. The circuit courts have concurrent jurisdiction if the amount in controversy exceeds \$5,000, as specified.

In *Angel Enterprises Limited Partnership v. Talbot County, Maryland*, 474 Md. 236 (2021), the Court of Appeals dismissed a lawsuit (and invalidated penalties that had been imposed) on the basis that the adjudication of civil penalties by a charter county is within the original jurisdiction of the courts, and not a local board of appeals established by a charter county under the Express Powers Act. The court also noted that the jurisdiction conferred upon a local board of appeals by § 10-305 of the Local Government Article does not include original jurisdiction or administrative adjudicatory review of civil fines or penalties or other civil assessments.

Section 10-202 of the Local Government Article

Under § 10-202 of the Local Government Article, a charter county may provide for the enforcement of an ordinance, resolution, bylaw, or regulation adopted under the Express Powers Act by civil fines of up to \$1,000 (as well as by criminal fines and penalties of up to \$1,000 and six months' imprisonment). A charter county may also provide for the enforcement of local fair housing laws, employment discrimination laws, and public accommodation laws, as specified.

Title 11, Subtitle 3 of the Local Government Article (Juvenile Curfew Ordinances)

Under Title 11, Subtitle 3 of the Local Government Article, code counties in the Eastern Shore may adopt a juvenile curfew ordinance, as specified. A law enforcement officer may issue a civil citation for a violation of a juvenile curfew ordinance to (1) a minor; (2) a parent or guardian of a minor; or (3) an owner, operator, or employee of an

establishment. A civil citation for a violation must include a fine of up to \$500 for a first offense, or up to \$1,000 for a subsequent offense.

State Fiscal Effect: Although the bill likely results in fewer civil actions filed in the District Court, any potential operational efficiencies are not expected to have a material impact on the Judiciary. State revenues from fines are likewise not expected to be materially impacted by any shift in caseloads from the District Court to local governments; currently, payments for the types of violations covered by the bill are generally directed or remitted to local governments, notwithstanding being heard in the District Court. Any impact on filing fee revenues is not anticipated to be material.

Local Fiscal Effect: To the extent county governments (or Baltimore City) choose to adjudicate an increased number of violations at the local level, operational demands on county resources may increase. Without experience under the bill, the exact workload and resulting fiscal impact that may be assumed by local governments is not possible to estimate. However, certain counties that responded to requests for information (Anne Arundel, Howard, and Prince George's) anticipate minimal or no effect.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Howard, Montgomery, and Prince George's counties; Maryland Association of Counties; Maryland Municipal League; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - March 14, 2022
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