

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 549
Judiciary

(Delegate Embry, *et al.*)

Judicial Proceedings

Statute of Limitations - Prosecution or Enforcement of Local Consumer
Protection Codes

This bill increases, from one year to three years, the statute of limitations for a prosecution or suit for enforcement of a local consumer protection code for which equitable relief, a fine, or a penalty is provided. The statute of limitations begins to run when the local authorities knew or reasonably should have known of the violation.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

Local Effect: Local revenues may increase from fines imposed in cases that are able to proceed under the bill. Local expenditures may be affected, as discussed below.

Small Business Effect: Minimal.

Analysis

Current Law: Generally, under § 5-106 of the Courts and Judicial Proceedings Article, unless otherwise specified, a prosecution *for a misdemeanor* must be initiated within one year after the offense was committed. Generally, under § 5-107 of the Courts and Judicial Proceedings Article, unless otherwise specified, a prosecution or suit for a fine, penalty, or forfeiture must be initiated within one year after the offense was committed.

Local Fiscal Effect: The Maryland Association of Counties (MaCo) advises that the bill gives local governments two additional years to organize an enforcement action for a consumer protection case. According to MaCo, this may (1) increase revenues, at least

minimally, from additional fines levied and paid; (2) reduce expenditures in jurisdictions that incur overtime costs to bring enforcement actions within the current one-year statute of limitations; and (3) increase costs if the longer statute of limitations increases the number of cases brought for local consumer protection violations and these cases cannot be addressed with existing budgeted resources.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Association of Counties; Maryland Municipal League; Office of the Attorney General (Consumer Protection Division); Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State’s Attorneys’ Association; Department of Legislative Services

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Analysis by: Amy A. Devadas

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