

Department of Legislative Services  
Maryland General Assembly  
2001 Session

FISCAL NOTE  
Revised

House Bill 407 (Delegate Redmer, *et al.*)

Environmental Matters

Judicial Proceedings

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Water Pollution - Penalties - Statute of Limitations

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This bill provides that a criminal or civil action for violation of specified water pollution provisions must be instituted within two years after the offense was committed. The bill is to be construed prospectively only and may not be applied to any water pollution violation committed before the bill's October 1, 2001 effective date.

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Fiscal Summary

**State Effect:** The extent to which the change in the statute of limitations will result in additional violators prosecuted or sued over time is unknown; however, the bill is not expected to significantly affect State finances or operations.

**Local Effect:** The extent to which the change in the statute of limitations will result in additional violators prosecuted or sued over time is unknown; however, the bill is not expected to significantly affect local finances or operations.

**Small Business Effect:** Minimal.

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Analysis

**Current Law:** Except as otherwise specified, a prosecution for a misdemeanor must be instituted within one year of the offense. Criminal violations of relevant water pollution provisions are considered misdemeanors. Penalties range from a fine of \$10,000 or imprisonment not exceeding six months or both, to a fine of \$50,000 for each day of violation or imprisonment not exceeding two years or both. A person who violates relevant water pollution provisions is liable to a civil penalty not exceeding \$10,000 to be

collected in a civil action brought by the Maryland Department of the Environment (MDE). Civil actions must be instituted within one year of the violation, with specified exceptions. All fines and penalties must be paid to the Maryland Clean Water Fund.

**Background:** Fines and penalties paid into the Maryland Clean Water Fund are used for activities related to identifying, monitoring, and regulating the proper discharge of effluent into the waters of the State. According to MDE, from fiscal 1996 through fiscal 2000, approximately \$68,300 was collected in criminal fines for violations of water pollution provisions affected by the bill.

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### **Additional Information**

**Prior Introductions:** Similar legislation was introduced during the 2000 session as HB 924. The bill passed the House with amendments and the Senate Judicial Proceedings Committee held a hearing on it. No further action was taken.

**Cross File:** None.

**Information Source(s):** Judiciary (District Court), Maryland Department of the Environment, Department of Legislative Services

**Fiscal Note History:** First Reader – February 11, 2001  
ef/jr Revised – House Third Reader – March 20, 2001

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