

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 971
Judiciary

(Delegate Parrott, *et al.*)

Criminal Law - Prohibition on Abandoned Refrigerators - Civil Offense

This bill changes the designation for the current prohibition on abandoned refrigerators from a misdemeanor to a civil offense, subject to a maximum fine of \$5,000. The bill also prescribes requirements for (1) the content of citations in these cases; and (2) the adjudication of this civil offense in the District Court.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues from fines imposed in District Court cases.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: Failure of a defendant to pay the court imposed fine may be treated as criminal contempt. A defendant who is found guilty of a violation may file an appeal, a motion for a new trial, or a motion for a revision of a judgment. The State's Attorney for each county may prosecute a violation in the same manner as a criminal case, including entering a *nolle prosequi* (State declines to prosecute) or placing the case on a stet docket (conditional indefinite stay of all proceedings on a charge).

Current Law: A person may not place or allow to be placed outside of a building or dwelling an abandoned or discarded refrigerator, icebox, or freezer cabinet that (1) is in a place accessible to children; (2) is uncrated; and (3) has a door or a lock that cannot be

released for opening from the inside. Violators are guilty of a misdemeanor and subject to maximum penalties of imprisonment for up to 30 days and/or a \$100 fine.

Background: The federal Refrigerator Safety Act of 1956 requires refrigerators to have a mechanism that allows them to be opened from the inside in the event of accidental entrapment.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Garrett, Howard, and Montgomery counties; Commission on Criminal Sentencing Policy; Office of the Public Defender; United States Consumer Products Safety Division; Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2011
ncs/kdm

Analysis by: Amy A. Devadas

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