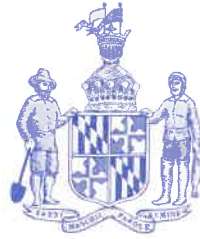


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**OFFICE OF THE ATTORNEY GENERAL**

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February 26, 2020

To: The Honorable Kumar P. Barve  
Chair, Environment and Transportation Committee

From: The Office of the Attorney General

Re: House Bill 899 – Illegal Dumping and Litter Control – Criminal Penalties and Fund  
**(Oppose)**

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Contrary to Attorney General's on-going efforts to preserve the environment in Maryland, House Bill 899 will reduce the criminal penalties for instances of serious illegal dumping and littering, thus limiting the Office's Environmental Crimes Unit's ("ECU") prosecutorial authority and diminishing the deterrent effect on future behavior.

House Bill 899 amends Section 10-110(f) of the Criminal Procedure Code to limit criminal penalties for defendants found guilty littering. Presently, the law allows for imprisonment of up to 30 days for disposing litter in an amount not exceeding 100 pounds, 1 year for disposing up to 500 pounds, and 5 years for disposing over 500 pounds.<sup>1</sup> House Bill 899 would reduce these penalties to 30, 60, and 90 days of imprisonment, respectively.

The ECU has handled and continues to handle extreme cases of significant open dumping. Some involve accumulation of massive amounts of waste that can be 1, 2 or 3 stories high. Depending on the severity of the case, the ECU frequently files in Circuit Courts throughout the State and utilizes the state litter laws in its charging documents. Any reduction to existing penalty provisions would diminish appropriate punishment as well as future deterrence.

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<sup>1</sup> Md. Code Ann., Crim. Law § 10-110



For all of the foregoing reasons, the Office of the Attorney General urges an unfavorable report on House Bill 899.

cc: Members of the Environment and Transportation Committee