

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 734  
Judiciary

(Delegate Mireku-North, *et al.*)

Judicial Proceedings

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Municipalities - Vagrancy - Repeal of Authority to Prohibit

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This bill repeals the authority of a municipality to prohibit vagrancy.

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Fiscal Summary

**State Effect:** The bill is not expected to materially affect State finances or operations.

**Local Effect:** Municipal expenditures are not anticipated to be materially affected as discussed below. Revenues are not affected.

**Small Business Effect:** Potentially meaningful.

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Analysis

**Current Law:** A municipality may prohibit vagrancy, vice, gambling, and houses of prostitution in the municipality. A municipality may also enforce all ordinances relating to disorderly conduct and nuisances equally within the municipality, and up to one-half mile outside the municipal limits, except where there is a conflict with the powers of another municipality.

Title 5, Subtitle 2 of the Local Government Article describes the general authority and express powers granted to municipalities. Generally, a municipality may adopt ordinances that (1) assures the good government of the municipality; (2) protect and preserve the municipality's rights, property, and privileges; (3) preserve peace and good order; (4) secure persons and property from danger and destruction; and (5) protect the health, comfort, and convenience of the residents of the municipality. However, an ordinance adopted by a municipal government may not conflict with State law.

**Local Expenditures:** The bill removes the authority of a municipal government to prohibit vagrancy in the municipality. Under current law, a municipality may enforce all ordinances relating to disorderly conduct and nuisances occurring within the municipality, which includes any disorderly conduct or nuisances of a vagrant. The City of Annapolis advises that the bill is not expected to fiscally impact its operations.

**Small Business Effect:** The bill may have a meaningful impact on small businesses as a result of vagrancy problems, which is heightened during cold or harsh weather conditions where vagrants go to small businesses seeking shelter.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has been introduced within the last three years. See HB 564 of 2023.

**Designated Cross File:** None.

**Information Source(s):** City of Annapolis; Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - February 9, 2024  
km/tso Third Reader - April 5, 2024

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