

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 387

(Baltimore City Delegation)

Health and Government Operations

Judicial Proceedings

Public Information Act – Surveillance Images – Illegal Dumping in Baltimore
City

This bill (1) alters provisions under the Public Information Act (PIA) to require a custodian of a surveillance image to allow employees or agents of the Baltimore City Department of Housing and Community Development (DHCD) to inspect surveillance images of illegal dumping in Baltimore City (rather than employees or agents of the Baltimore City Department of Public Works (DPW), as specified under existing statute); (2) authorizes the Baltimore City DHCD to publicly disseminate surveillance images of illegal dumping in Baltimore City as part of an investigation; and (3) makes conforming and technical changes.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances or operations, including District Court caseloads.

Local Effect: Potential minimal increase in fine revenues distributed to Baltimore City, as discussed below. To the extent the bill reduces illegal dumping in Baltimore City or violators of illegal dumping laws reimburse the city for litter removal costs, local expenditures related to litter removal may decrease. The bill's provisions can be implemented with existing resources.

Small Business Effect: None.

Analysis

Bill Summary/Current Law:

Illegal Dumping in Baltimore City

Surveillance Systems (unchanged by the bill): Section 10-112 of the Criminal Law Article authorizes the Baltimore City DHCD or another department designated by the Mayor of Baltimore City to place surveillance systems at dumping sites and use surveillance images to enforce the State Illegal Dumping and Litter Control Law (discussed below) or local laws relating to the unlawful disposal of litter. A “dumping site” is a location in Baltimore City that is (1) owned by Baltimore City or the State and (2) identified by the department as property that has been repeatedly used for the disposal of litter in violation of State law or a local law or ordinance.

A “surveillance system” is a collection of one or more cameras located at a dumping site that produces a surveillance image. A “surveillance image” means an image recorded by a surveillance system on a photograph, a micrograph, an electronic image, videotape, or any other medium showing (1) the front or rear of a motor vehicle, and, on at least one image or portion of the tape, clearly identifying the registration plate number of the motor vehicle and (2) an individual committing a violation of the State illegal dumping and litter control law or a local law or ordinance relating to the unlawful disposal of litter

Enforcement/Penalties (unchanged by the bill): A person who violates the State Illegal Dumping and Litter Control Law or a local law or ordinance relating to the unlawful disposal of litter that occurs at a dumping site monitored by a surveillance system is subject to a civil penalty of up to \$1,000. Unless the person committing a violation received a citation from a police officer at the time of the violation, the owner of the vehicle used to commit the violation is subject to the civil penalty.

The Baltimore City DHCD (or a designated department) must mail the owner a citation that includes the (1) name and address of the registered owner of the vehicle; (2) the registration number of the vehicle; (3) the violation charged; (4) the location where the violation occurred; (5) the date and time of the violation; (6) a copy of the surveillance image; (7) the amount of the civil penalty imposed and the date by it must be paid; and (8) other specified information. The citation must be mailed no later than two weeks after the alleged violation occurred, except as specified. A person who receives a citation may pay the civil penalty directly to Baltimore City or elect to stand trial in the District Court for the alleged violation.

The District Court may consider in defense of a violation the fact that the vehicle or its registration plates were stolen prior to the violation and that they were not in the possession

of the owner at the time of the violation. Additionally, the District Court may consider in defense of a violation evidence that the person named in the citation was not the person in the surveillance image committing the violation.

Failure to pay the civil penalty or contest liability in a timely manner is an admission of liability; the Motor Vehicle Administration (MVA) is required to suspend and refuse to transfer the registration of a vehicle involved in a violation under these circumstances if it receives the appropriate notification or if the District Court notifies MVA that the alleged violator elected to stand trial and failed to appear in court.

Inspections of Surveillance Images: Under current law, § 4-322 of the General Provisions Article, part of the PIA, generally requires a “custodian” of a “surveillance image,” as defined in § 10-112 of the Criminal Law Article, to deny inspection of the surveillance image. However, a custodian must permit inspection of a surveillance image (1) by any person issued a citation under § 10-112 or by an attorney of record for the person; (2) by an employee or agent of the Baltimore City DPW in an investigation or a proceeding relating to the imposition or indemnification from civil liability under § 10-112; or (3) as required in § 10-112. Under the PIA, a “custodian” means (1) the official custodian or (2) any other authorized individual who has physical custody and control of a public record.

The bill removes the reference to required inspection of an image under § 10-112 and replaces the reference to the Baltimore City DPW with the Baltimore City DHCD. The bill specifies that notwithstanding the general requirement that a custodian of a surveillance image deny inspection of the image, the Baltimore City DHCD is authorized to publicly disseminate a surveillance image of illegal dumping in Baltimore City as part of an investigation.

State Illegal Dumping and Litter Control Law – § 10-110 of the Criminal Law Article (unchanged by the bill)

Under § 10-110 of the Criminal Law Article, a person is prohibited from (1) disposing of litter on a highway or performing an act that violates the State Vehicle Laws regarding disposal of litter, glass, and other prohibited substances on highways or (2) disposing or causing or allowing the disposal of litter on public or private property unless authorized or the litter is placed into a proper receptacle.

An individual who violates § 10-110 is guilty of a misdemeanor and subject to the following penalties, depending on the weight or volume of the disposed litter:

- up to 100 pounds or 27 cubic feet (not for commercial gain) – imprisonment for up to 30 days and/or a \$1,500 maximum fine;

- more than 100 pounds or 27 cubic feet and up to 500 pounds or 216 cubic feet (not for commercial gain) – imprisonment for up to one year and/or a \$12,500 maximum fine; and
- more than 500 pounds or 216 cubic feet (not for commercial gain) or any amount for commercial gain – imprisonment for up to five years and/or a \$30,000 maximum fine.

The court may also require cleanup of the disposed litter, repair or restoration of damaged property, payment of damages for the disposal of the litter, community service, or reimbursement of the appropriate governmental entity for specified costs incurred. If the violator used a motor vehicle to commit the violation, the court must notify MVA; violations are subject to the assessment of points. MVA is required to suspend and refuse to transfer the registration of a vehicle involved in a violation if it receives the appropriate notification that a person cited for a violation failed to pay the fine or elect to stand trial or if the District Court notifies MVA that the cited person elected to stand trial and failed to appear in court.

Fines collected for violations of the State Illegal Dumping and Litter Control Law must be disbursed to the county or municipality where the violation occurred or, under specified circumstances, to the Maryland-National Capital Park and Planning Commission or the Washington Suburban Sanitary Commission. Disbursed fines must be used for specified litter-related purposes.

Local Fiscal Effect: The bill gives the Baltimore City DHCD the ability to release surveillance images of persons engaging in illegal dumping activities to the press and social media. By disseminating surveillance images publicly, Baltimore City advises that members of the public may be able to provide information that leads to the identification of persons engaged in illegal dumping.

To the extent that the public dissemination of surveillance images by the Baltimore City DHCD results in the identification of persons engaged in illegal dumping, additional persons may be charged with and convicted of violating the State Illegal Dumping and Litter Control Law. If additional convictions are obtained as a result of the bill, fines collected by the District Court and the State's circuit courts increase, and Baltimore City revenues increase. Local expenditures for litter removal in Baltimore City may decrease if the city is reimbursed for litter removal costs or if the bill reduces illegal dumping in the city.

Additional Information

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

Designated Cross File: None..

Information Source(s): Baltimore City; Office of the Attorney General; Judiciary (Administrative Office of the Courts); Department of General Services; Department of Legislative Services

Fiscal Note History: First Reader - February 4, 2024
rh/aad Third Reader - March 22, 2024
Revised - Amendment(s) - March 22, 2024
Revised - Clarification - April 30, 2024

Analysis by: Ralph W. Kettell

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