
By: Montgomery County and Prince George's County Delegations

Introduced and read first time: January 31, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland-National Capital Park and Planning Commission - Rules and Regulations**3 **Concerning Property - Penalties**4 **MC/PG 34-97**

5 FOR the purpose of altering the penalties that may be imposed by the
6 Maryland-National Capital Park and Planning Commission for violating certain
7 rules and regulations involving certain land or property acquired by, or subject to
8 the jurisdiction of, the Commission; specifying certain limitations on the amount of
9 the fines that may be imposed; and generally relating to the penalties that may be
10 imposed for violating certain rules and regulations of the Commission.

11 BY repealing and reenacting, with amendments,
12 Article 28 - Maryland-National Capital Park and Planning Commission
13 Section 5-113
14 Annotated Code of Maryland
15 (1993 Replacement Volume and 1996 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article 28 - Maryland-National Capital Park and Planning Commission**

19 5-113.

20 (a) The Commission may make rules and regulations for the government and use
21 of all land or other property acquired by it or under its jurisdiction. It shall cause these
22 rules and regulations to be posted outside each park headquarters building, community
23 center, recreation center, or similar building in a developed park area. Following their
24 promulgation, they shall be published at least three times within 60 days, in one or more
25 newspapers published in the metropolitan district, and the posting and publication shall
26 be sufficient notice to all persons. The sworn certificate of any member of the
27 Commission of the posting and publication shall be prima facie evidence thereof.

28 (b) (1) Any violation of a rule or regulation is a "Commission infraction" unless
29 the violation is declared by law to be a criminal offense. For the purpose of this article, a
30 Commission infraction is a civil offense.

1 (2) Commission police officers may deliver a citation to any person whom
2 they adjudge to be committing a Commission infraction. A copy of the citation shall be
3 retained by the issuing authority and shall bear his certification attesting to the truth of
4 the matter therein set forth. The citation shall also contain:

5 (i) Name and address of the person charged;

6 (ii) The nature of the infraction;

7 (iii) The location and time that the infraction occurred;

8 (iv) The amount of the infraction fine assessed;

9 (v) The manner, location, and time in which the fine may be paid to
10 the Commission; and

11 (vi) The person's right to elect to stand trial for the infraction.

12 (3) A pre-set fine [not to exceed \$30], TO BE SET BY THE COMMISSION
13 AND REEVALUATED EVERY 3 YEARS, may be imposed for each conviction of a
14 Commission infraction. The Commission is authorized to establish a schedule of pre-set
15 fines for each conviction of a Commission infraction, which is payable by the recipient of
16 the citation to the Commission within 20 calendar days of the receipt of the citation.
17 Repeat offenders may be assessed a pre-set fine not to exceed [\$60] DOUBLE THE
18 ORIGINAL AMOUNT for each repeat offense.

19 (4) A person receiving the citation for a Commission infraction may elect to
20 stand trial for the offense by notifying the Commission of his intention of standing trial.
21 The notice shall be given at least 5 days prior to the date of payment as set forth in the
22 citation. Upon receipt of the notice of the intention to stand trial, the Commission shall
23 forward to the District Court having venue a copy of the citation and the notice from the
24 person who received the citation indicating his intention to stand trial. Upon receipt of
25 the citation, the District Court shall schedule the case for trial and notify the defendant
26 of the trial date. All fines, penalties, or forfeitures collected by the District Court for
27 violations of Commission infractions shall be remitted to the Commission.

28 (5) If a person receiving a citation for an infraction fails to pay the fine for
29 the infraction by the date of payment set forth on the citation and fails to file a notice of
30 his intention to stand trial for the offense, a formal notice of the infraction shall be sent
31 to the owner's last known address. If the citation has not been satisfied within 15 days
32 from the date of the notice, he shall be liable for an additional fine not to exceed twice
33 the original fine. If after 35 days the citation has not been satisfied, the Commission may
34 request adjudication of the case through the District Court. The District Court shall
35 thereupon promptly schedule the case for trial and summons the defendant to appear.
36 The defendant's failure to respond to the summons is contempt of court.

37 (6) If any person is found by the District Court to have committed a
38 Commission infraction, he shall be required to pay a fine [in an amount not to exceed
39 \$30] ESTABLISHED BY THE COMMISSION or in the event that the infraction is a repeat
40 offense, [\$60] DOUBLE THE ORIGINAL AMOUNT OF THE FINE.

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1 (7) Adjudication of a Commission infraction, as defined in this article, is not
2 a criminal conviction for any purpose, nor does it impose any of the civil disabilities
3 ordinarily imposed by a criminal conviction.

4 (8) In any proceeding for a Commission infraction before the District Court,
5 the violation shall be prosecuted in the same manner and to the same extent as set forth
6 for municipal infractions in Article 23A, § 3(b)(8) through (15), inclusive.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 1997.