
By: Montgomery County and Prince George's County Delegations

Introduced and read first time: January 31, 1997

Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 1997

CHAPTER ____

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 maximum penalties that may be imposed by the
6 Maryland-National Capital Park and Planning Commission for ~~violating violations~~
7 of certain rules and regulations involving certain land or property acquired by, or
8 subject to the jurisdiction of, the Commission; ~~specifying certain~~ altering the
9 maximum limitations on the amount of the fines that may be imposed by the District
10 Court for violations of certain rules and regulations concerning property of the
11 Commission; and generally relating to the penalties that may be imposed for
12 ~~violating violations of~~ certain rules and regulations concerning property of the
13 Maryland-National Capital Park and Planning Commission.

14 BY repealing and reenacting, with amendments,
15 Article 28 - Maryland-National Capital Park and Planning Commission
16 Section 5-113
17 Annotated Code of Maryland
18 (1993 Replacement Volume and 1996 Supplement)

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

1 Article 28 - Maryland-National Capital Park and Planning Commission

2 5-113.

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

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

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

- 18 (i) Name and address of the person charged;
- 19 (ii) The nature of the infraction;
- 20 (iii) The location and time that the infraction occurred;
- 21 (iv) The amount of the infraction fine assessed;
- 22 (v) The manner, location, and time in which the fine may be paid to
 23 the Commission; and
- 24 (vi) The person's right to elect to stand trial for the infraction.

25 (3) A pre-set fine ~~not to exceed \$30 \$50], TO BE SET BY THE COMMISSION~~ 26 ~~AND REEVALUATED EVERY 3 YEARS;~~
 may be imposed for each conviction of a
 27 Commission infraction. The Commission is authorized to establish a schedule of pre-set
 28 fines for each conviction of a Commission infraction, which is payable by the recipient of
 29 the citation to the Commission within 20 calendar days of the receipt of the citation.
 30 Repeat offenders may be assessed a pre-set fine not to exceed ~~[\$60 \$100] DOUBLE T~~ 31 ~~ORIGINAL AMOUNT~~ for each repeat offense.

32 (4) A person receiving the citation for a Commission infraction may elect to
 33 stand trial for the offense by notifying the Commission of his intention of standing trial.
 34 The notice shall be given at least 5 days prior to the date of payment as set forth in the
 35 citation. Upon receipt of the notice of the intention to stand trial, the Commission shall
 36 forward to the District Court having venue a copy of the citation and the notice from the
 37 person who received the citation indicating his intention to stand trial. Upon receipt of
 38 the citation, the District Court shall schedule the case for trial and notify the defendant
 39 of the trial date. All fines, penalties, or forfeitures collected by the District Court for
 40 violations of Commission infractions shall be remitted to the Commission.

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

10 (6) If any person is found by the District Court to have committed a
11 Commission infraction, he shall be required to pay a fine ~~in an amount not to exceed \$30~~
12 ~~\$50] ESTABLISHED BY THE COMMISSION~~ or in the event that the infraction is a repeat
13 offense, ~~[\$60 \$100] DOUBLE THE ORIGINAL AMOUNT OF THE FINE.~~

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

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

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