

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 44 (Senator Trotter)
Judicial Proceedings

Litter Control - Counties - Enforcement of Littering Prohibitions

This bill authorizes counties to prohibit littering and impose penalties similar to those imposed in the litter control law. Under the bill's provisions, municipalities may also impose similar penalties. Any aircraft, boat, or motor vehicle used or intended for use to dump litter is subject to forfeiture, except for those conveyances used as a common carrier or vehicle for hire in a business transaction if it appears that the owner or other person in charge was not a consenting party or aware of the violation. Any conveyance subject to forfeiture may be seized upon process issued by a court having jurisdiction over the conveyance. However, a seizure may be made without such process if (1) it is incident to an arrest warrant, a search warrant, or an administrative inspection warrant; (2) the conveyance has been subject to a prior judgement in the State's favor in a criminal injunction or forfeiture proceeding; (3) there is probable cause that a conveyance is a danger to health or safety; or (4) there is probable cause to believe that conveyance has been used or intended to be used for a litter control violation. Except as provided elsewhere in State law, all proceedings must be held in the circuit court.

The bill also provides for the distribution of the proceeds from the sale of forfeited conveyance to the applicable subdivision or the State depending upon whose authorities seized the conveyance.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the proceeds from seizure sales. Any expenses incurred in conducting seizure sales would be offset by the proceeds.

Local Effect: Potential minimal revenue increase. Expenditures could be affected as discussed below.

Small Business Effect: Potential minimal impact on small businesses as discussed below.

Fiscal Analysis

Local Revenues: Under the bill's provisions, the circuit court would handle all litter control proceedings. As a result, local governments could experience an increase in revenues due to the imposition of fines for violations of local litter control laws. Revenues could also increase through the sale of seized assets.

Local Expenditures: The circuit court could handle the additional caseload with existing personnel. Similarly, enforcement could be handled with existing local law enforcement personnel. Any expenses incurred in conducting seizure sales would be offset by the proceeds. Although the number of violations cannot be determined, it is assumed to be small. For example, Harford County advises that it may have five litter control violations annually that would warrant seizure and forfeiture.

Small Business Effect: The bill subjects aircrafts, boats, and motor vehicles used to dump litter to forfeiture to the State or local governments. As a result, small businesses convicted of littering could have a vehicle seized if it was used in dumping litter. The number of such businesses that could be impacted cannot be determined, but is assumed to be small.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of State Police; Governor's Office of Crime Control and Prevention; Baltimore City, Harford, Prince George's, Queen Anne's, and St. Mary's counties; cities of College Park and Rockville; Department of Fiscal Services

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