

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

House Bill 649 (Delegate Benson)
Judiciary

Litter Control - Enforcement - County Powers

This bill authorizes the counties to prohibit littering on public or private property and to impose fines on violators as specified in existing law. The bill also subjects specified property used to commit a violation to seizure and forfeiture to the State if a person is convicted of a second or subsequent violation. The property may be sold with the proceeds applied to (1) court costs; (2) the balance due to a lienholder of the property; (3) other expenses of the forfeiture proceedings; and (4) the county, municipality, or bi-county agency (if the agency is the enforcement agency on the property where the violation occurred).

Fiscal Summary

State Effect: Assuming that State law enforcement agencies conduct forfeiture sales, expenditures associated with these sales would be incurred. The costs would depend upon the number of sales, but are assumed to be minimal.

Local Effect: Potential minimal effect on county revenues and expenditures as discussed below.

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

Fiscal Analysis

Local Effect: County revenues could increase due to the imposition of fines for violations of county litter control laws and the collection of proceeds from seizure sales.

On a statewide basis, the counties spend millions of dollars annually on removing litter and other debris from their property. To the extent that enforcement of litter control laws leads to a decrease in the volume of litter, expenditures could decrease. The decrease would depend upon the scope of the county's enforcement and its impact on reducing litter. The decrease cannot be reliably estimated.

Enforcement of litter control laws could be handled with existing county law enforcement personnel. Any expenses incurred in conducting seizure sales would be offset by the sale proceeds.

Small Business Effect: The bill subjects aircrafts, boats, and vehicles to seizure and forfeiture to the State upon a second or subsequent conviction. As a result, small businesses that are convicted twice of littering could have their vehicles which were used in littering seized by the State. The number of such businesses that could be impacted cannot be determined, but is assumed to be small.

Information Source(s): Department of State Police; Kent, Prince George's, Washington, and Worcester counties; Department of Fiscal Services

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