

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 1239 (Prince George's County Delegation)

Commerce and Government Matters

Prince George's County - Litter Control
PG 311-00

This bill authorizes the governing body of Prince George's County to adopt a county ordinance to prohibit littering under the authority currently granted to municipalities in Article 27 of the State criminal code. Under these provisions, depending on the weight and purposes of the dumping, violators would be guilty of a misdemeanor and subject to various criminal penalties up to a fine of \$25,000 and/or imprisonment of five years.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the application of existing penalty provisions.

Local Effect: Potential minimal increase in general fund revenues and expenditures due to the application of existing penalty provisions.

Small Business Effect: Minimal. However, any small business found guilty of dumping litter for commercial purposes would be subject to criminal penalties which could be significant to that small business.

Analysis

Current Law: Under the Prince George's County Code (Subtitle 13: Housing and Property Standards), there is a limited prohibition against the accumulation or deposit of litter. Violators are subject to civil monetary fines (up to \$500, for repeat offenders), judicial injunction, and criminal citation or warning by the county police.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provisions from cases heard in the District Court.

State Expenditures: General fund expenditures could increase minimally as a result of the bill's incarceration penalties due to more people being committed to Division of Correction (DOC) facilities and increased payments to counties for reimbursement of inmate costs. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence longer than one year are incarcerated in DOC facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$1,700 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. The average variable cost of housing a new DOC inmate (food, medical care, etc.), excluding overhead, is \$260 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2001 for Prince George's County are estimated to be \$31 per inmate.

Local Revenues: Revenues could increase minimally as a result of the bill's monetary penalty provisions from cases heard in the circuit courts.

Local Expenditures: Expenditures could increase minimally as a result of the bill's incarceration penalties. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of the Prince George's detention facility are expected to be \$62 per inmate in fiscal 2001.

Additional Information

Prior Introductions: Related bills were introduced during the 1997 session. SB 44 was withdrawn. SB 147 passed the Senate and received an unfavorable report from the House Judiciary Committee. HB 649 received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Prince George's County, Department of Legislative Services

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