

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 1210
Judiciary

(Washington County Delegation)

Washington County - Trespass - Public and Private Property

This bill prohibits in Washington County a person from entering or trespassing on public or private property where signs prohibiting trespassers are conspicuously posted and reasonably may be seen. The bill also specifies that a person may not enter or cross over public or private property or board a boat or other marine vessel of another, after having been notified by the owner or the owner's agent not to do so, unless entering or crossing under a good faith claim or right of ownership. The bill also prohibits a person from remaining on public or private property, including a boat or vessel of another, after having been notified by the owner or the owner's agent not to do so. The bill increases the fine for trespassing to a maximum of \$500 or imprisonment for not more than 90 days or both.

Fiscal Summary

State Effect: Minimal increase in general fund revenues due to the bill's penalty provisions.

Local Effect: Minimal increase in expenditures due to the bill's penalty provisions. Enforcement of the bill's provisions could be handled with Washington County's existing resources.

Small Business Effect: None.

Analysis

Current Law: Generally, in Maryland, trespassing on any posted property is prohibited. Entering, crossing, or remaining on private property, including boats and marine vessels, after having been warned by the owner or owner's agent not to do so is prohibited. Additionally, refusal or failure to leave public grounds during regularly closed hours is prohibited.

In Washington County, a person may not go on another person's land to hunt or fish against the will and without the consent of the owner or occupant. A person may not go on another person's land and injure or carry away any grain or fruit, or tear down or injure any fence, vine, tree, or wall, without first obtaining the consent of the property owner or occupant of the land. Any person who violates these provisions is guilty of a misdemeanor and upon conviction shall be fined not less than \$1 nor more than \$20 and costs. Upon refusal to pay the fine the person shall be confined in the county jail for a period not exceeding 30 days, or until the fine and costs are paid, whichever occurs first.

Background: Chapter 498 of 1998 clarified trespass laws in Maryland and excluded trespassing on publicly owned property from the threat of arrest. However, Chapter 166 of 2001 added trespassing on publicly owned property to the State's trespassing laws.

State Revenues: General fund revenues could increase minimally as a result of the bill's monetary penalty provision because these cases would be heard in the District Court. The number of people convicted of this crime is expected to be minimal.

Local Expenditures: Expenditures could increase as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for the first 90 days of a sentence.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Washington County, Department of Legislative Services

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ncs/hlb

Analysis by: Christopher J. Kelter

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510