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By: **Delegates Kelley, Frush, Moe, Ross, Sophocleus, and V. Turner**  
Introduced and read first time: February 12, 2004  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Litter Control Fund - Fines and Payments**

3 FOR the purpose of increasing fines for certain littering violations; expanding the  
4 purposes for which the fines collected shall be used to include payment to a  
5 certain person under certain circumstances; establishing the Litter Control  
6 Fund; requiring that a person who reports certain littering violations be paid a  
7 certain amount of money from the Fund if the report results in the arrest and  
8 conviction of the violator; requiring a certain department to administer the  
9 Fund; authorizing certain local governing bodies to apply to the Fund for a  
10 certain amount of money for payment to a certain person; requiring that the  
11 Fund only be used for certain litter control enforcement purposes; and generally  
12 relating to litter control fines and payments and the Litter Control Fund.

13 BY repealing and reenacting, with amendments,  
14 Article - Criminal Law  
15 Section 10-110  
16 Annotated Code of Maryland  
17 (2002 Volume and 2003 Supplement)

18 BY adding to  
19 Article - Criminal Law  
20 Section 10-110.1  
21 Annotated Code of Maryland  
22 (2002 Volume and 2003 Supplement)

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

25 **Article - Criminal Law**

26 10-110.

27 (a) (1) In this section the following words have the meanings indicated.

28 (2) "Bi-county unit" means:

1 (i) the Maryland-National Capital Park and Planning  
2 Commission; or

3 (ii) the Washington Suburban Sanitary Commission.

4 (3) "Litter" means all rubbish, waste matter, refuse, garbage, trash,  
5 debris, dead animals, or other discarded materials of every kind and description.

6 (4) "Public or private property" means:

7 (i) the right-of-way of a road or highway;

8 (ii) a body of water or watercourse or the shores or beaches of a  
9 body of water or watercourse;

10 (iii) a park;

11 (iv) a parking facility;

12 (v) a playground;

13 (vi) public service company property or transmission line  
14 right-of-way;

15 (vii) a building;

16 (viii) a refuge or conservation or recreation area;

17 (ix) residential or farm property; or

18 (x) timberlands or a forest.

19 (b) The General Assembly intends to:

20 (1) prohibit uniformly throughout the State the improper disposal of  
21 litter on public or private property; and

22 (2) curb the desecration of the beauty of the State and harm to the  
23 health, welfare, and safety of its citizens caused by the improper disposal of litter.

24 (c) A person may not:

25 (1) dispose of litter on a highway or perform an act that violates the  
26 State Vehicle Laws regarding disposal of litter, glass, and other prohibited substances  
27 on highways; or

28 (2) dispose or cause or allow the disposal of litter on public or private  
29 property unless:

1 (i) the property is designated by the State, a unit of the State, or a  
2 political subdivision of the State for the disposal of litter and the person is authorized  
3 by the proper public authority to use the property; or

4 (ii) the litter is placed into a litter receptacle or container installed  
5 on the property.

6 (d) If two or more individuals are occupying a motor vehicle, boat, airplane, or  
7 other conveyance from which litter is disposed in violation of subsection (c) of this  
8 section, and it cannot be determined which occupant is the violator:

9 (1) if present, the owner of the conveyance is presumed to be responsible  
10 for the violation; or

11 (2) if the owner of the conveyance is not present, the operator is  
12 presumed to be responsible for the violation.

13 (e) Notwithstanding any other law, if the facts of a case in which a person is  
14 charged with violating this section are sufficient to prove that the person is  
15 responsible for the violation, the owner of the property on which the violation  
16 allegedly occurred need not be present at a court proceeding regarding the case.

17 (f) (1) A person who violates this section is subject to the penalties provided  
18 in this subsection.

19 (2) (i) A person who disposes of litter in violation of this section in an  
20 amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is  
21 guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding  
22 30 days or a fine not exceeding [\$1,000] \$1,500 or both.

23 (ii) A person who disposes of litter in violation of this section in an  
24 amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216  
25 cubic feet, and not for commercial gain is guilty of a misdemeanor and on conviction is  
26 subject to imprisonment not exceeding 1 year or a fine not exceeding [\$10,000]  
27 \$12,500 or both.

28 (iii) A person who disposes of litter in violation of this section in an  
29 amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial gain  
30 is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding  
31 5 years or a fine not exceeding [\$25,000] \$30,000 or both.

32 (3) In addition to the penalties provided under paragraph (2) of this  
33 subsection, a court may order the violator to:

34 (i) remove or render harmless the litter disposed of in violation of  
35 this section;

36 (ii) repair or restore any property damaged by, or pay damages for,  
37 the disposal of the litter in violation of this section;

1 (iii) perform public service relating to the removal of litter disposed  
2 of in violation of this section or to the restoration of an area polluted by litter disposed  
3 of in violation of this section; or

4 (iv) reimburse the State, county, municipal corporation, or  
5 bi-county unit for its costs incurred in removing the litter disposed of in violation of  
6 this section.

7 (4) In addition to, or instead of, the penalties provided in paragraphs (2)  
8 and (3) of this subsection, the court may suspend for up to 7 days the license of the  
9 person to operate the type of conveyance used in the violation who is presumed to be  
10 responsible for the violation under subsection (d) of this section.

11 (g) A law enforcement unit, officer, or official of the State or a political  
12 subdivision of the State, or an enforcement unit, officer, or official of a commission of  
13 the State, or a political subdivision of the State, shall enforce compliance with this  
14 section.

15 (h) A unit that supervises State property shall:

16 (1) establish and maintain receptacles for the disposal of litter at  
17 appropriate locations where the public frequents the property;

18 (2) post signs directing persons to the receptacles and serving notice of  
19 the provisions of this section; and

20 (3) otherwise publicize the availability of litter receptacles and the  
21 requirements of this section.

22 (i) (1) Fines collected for violations of this section shall be disbursed:

23 (i) to the county or municipal corporation where the violation  
24 occurred; or

25 (ii) if the bi-county unit is the enforcement unit and the violations  
26 occurred on property over which the bi-county unit exercises jurisdiction, to the  
27 bi-county unit.

28 (2) [Fines] OF THE FINES COLLECTED UNDER THIS SECTION:

29 (I) ONE-HALF [collected] shall be used to pay for litter receptacles  
30 and posting signs as required by subsection (h) of this section and for other purposes  
31 relating to the removal or control of litter; AND

32 (II) ONE-HALF SHALL BE PAID INTO THE LITTER CONTROL FUND  
33 UNDER § 10-110.1 OF THIS SUBTITLE.

34 (j) (1) The legislative body of a municipal corporation may:

35 (i) prohibit littering; and

1 (ii) classify littering as a municipal infraction under Article 23A, §  
2 3(b) of the Code.

3 (2) The governing body of Prince George's County may adopt an  
4 ordinance to prohibit littering under this section and, for violations of the ordinance,  
5 may impose criminal penalties and civil penalties that do not exceed the criminal  
6 penalties and civil penalties specified in subsection (f)(1) through (3) of this section.

7 (K) IF A PERSON REPORTS ANOTHER WHO VIOLATES THIS SECTION, AND THE  
8 REPORT RESULTS IN THE ARREST AND CONVICTION OF THE OTHER, THE PERSON  
9 WHO REPORTS THE VIOLATION SHALL BE PAID A SUM OF MONEY FROM THE LITTER  
10 CONTROL FUND THAT THE LOCAL GOVERNING BODY OF THE COUNTY OR MUNICIPAL  
11 CORPORATION CONSIDERS APPROPRIATE FOR THAT INFORMATION.

12 [(k)] (L) This section may be cited as the "Litter Control Law".

13 10-110.1.

14 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
15 INDICATED.

16 (2) "FUND" MEANS THE LITTER CONTROL FUND.

17 (3) "LITTER CONTROL LAW" INCLUDES THOSE LAWS ADOPTED BY A  
18 MUNICIPAL CORPORATION AND PRINCE GEORGE'S COUNTY UNDER § 10-110(J) OF  
19 THIS SUBTITLE.

20 (B) THERE IS A LITTER CONTROL FUND.

21 (C) THE PURPOSE OF THE FUND IS TO SUPPORT ENFORCEMENT OF THE  
22 LITTER CONTROL LAW BY PROVIDING PAYMENT TO AN INDIVIDUAL WHOSE  
23 INFORMATION LEADS TO THE ARREST AND CONVICTION OF A PERSON WHO  
24 VIOLATES ANY PROVISION OF THE LITTER CONTROL LAW.

25 (D) (1) THE DEPARTMENT OF STATE POLICE SHALL ADMINISTER THE FUND.

26 (2) THE LOCAL GOVERNING BODY OF EACH COUNTY MAY APPLY TO  
27 RECEIVE AN ALLOTMENT FROM THE FUND TO PAY AN INDIVIDUAL WHOSE  
28 INFORMATION LEADS TO THE ARREST AND CONVICTION OF A PERSON WHO  
29 VIOLATES ANY PROVISION OF THE LITTER CONTROL LAW.

30 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT  
31 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

32 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE  
33 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

34 (F) THE FUND CONSISTS OF:

35 (1) REVENUE DISTRIBUTED TO THE FUND UNDER § 10-110 OF THIS  
36 SUBTITLE;

1           (2)     MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

2           (3)     ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE  
3 BENEFIT OF THE FUND.

4     (G)     THE FUND MAY BE USED ONLY FOR THE ENFORCEMENT OF THE LITTER  
5 CONTROL LAW BY PROVIDING PAYMENT FOR INFORMATION LEADING TO THE  
6 ARREST AND CONVICTION OF A PERSON WHO VIOLATES ANY PROVISION OF THE  
7 LITTER CONTROL LAW.

8     (H)     (1)     THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE  
9 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

10           (2)     ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO  
11 THE GENERAL FUND OF THE STATE.

12     (I)     EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE  
13 WITH THE STATE BUDGET.

14     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2004.