

HOUSE BILL 1020

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HB 642/03 - JUD

2004 Regular Session
4lr0319

By: **Delegates Kelley, Frush, Moe, Ross, Sophocleus, and V. Turner**

Introduced and read first time: February 12, 2004

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2004

CHAPTER_____

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:

Article - Criminal Law

10-110.

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

(2) "Bi-county unit" means:

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

(ii) the Washington Suburban Sanitary Commission.

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

(4) "Public or private property" means:

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

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

(iii) a park;

(iv) a parking facility;

(v) a playground;

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

(vii) a building;

(viii) a refuge or conservation or recreation area;

(ix) residential or farm property; or

(x) timberlands or a forest.

(b) The General Assembly intends to:

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

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

(c) A person may not:

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

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

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

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

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

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

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

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

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

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

28 (ii) A person who disposes of litter in violation of this section in an
29 amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216
30 cubic feet, and not for commercial gain is guilty of a misdemeanor and on conviction is
31 subject to imprisonment not exceeding 1 year or a fine not exceeding [\$10,000]
32 \$12,500 or both.

33 (iii) A person who disposes of litter in violation of this section in an
34 amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial gain
35 is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding
36 5 years or a fine not exceeding [\$25,000] \$30,000 or both.

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

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

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

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

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

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

15 (g) A law enforcement unit, officer, or official of the State or a political
16 subdivision of the State, or an enforcement unit, officer, or official of a commission of
17 the State, or a political subdivision of the State, shall enforce compliance with this
18 section.

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

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

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

24 (3) otherwise publicize the availability of litter receptacles and the
25 requirements of this section.

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

27 (i) to the county or municipal corporation where the violation
28 occurred; or

29 (ii) if the bi-county unit is the enforcement unit and the violations
30 occurred on property over which the bi-county unit exercises jurisdiction, to the
31 bi-county unit.

32 (2) ~~{Fines} OF THE FINES COLLECTED UNDER THIS SECTION;~~

33 ~~(H) ONE-HALF {collected}~~ shall be used to pay for litter receptacles
34 and posting signs as required by subsection (h) of this section and for other purposes
35 relating to the removal or control of litter; ~~AND~~

1 ~~(H) ONE HALF SHALL BE PAID INTO THE LITTER CONTROL FUND~~
2 ~~UNDER § 10-110.1 OF THIS SUBTITLE.~~

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

4 (i) prohibit littering; and

5 (ii) classify littering as a municipal infraction under Article 23A, §
6 3(b) of the Code.

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

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

16 ~~{(k)} (4) This section may be cited as the "Litter Control Law".~~

17 ~~10-110.1.~~

18 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
19 ~~INDICATED:~~

20 ~~(2) "FUND" MEANS THE LITTER CONTROL FUND.~~

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

24 ~~(B) THERE IS A LITTER CONTROL FUND.~~

25 ~~(C) THE PURPOSE OF THE FUND IS TO SUPPORT ENFORCEMENT OF THE~~
26 ~~LITTER CONTROL LAW BY PROVIDING PAYMENT TO AN INDIVIDUAL WHOSE~~
27 ~~INFORMATION LEADS TO THE ARREST AND CONVICTION OF A PERSON WHO~~
28 ~~VIOLATES ANY PROVISION OF THE LITTER CONTROL LAW.~~

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

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

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

1 (2) ~~THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE~~
2 ~~COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

3 (F) ~~THE FUND CONSISTS OF:~~

4 (1) ~~REVENUE DISTRIBUTED TO THE FUND UNDER § 10-110 OF THIS~~
5 ~~SUBTITLE;~~

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

7 (3) ~~ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE~~
8 ~~BENEFIT OF THE FUND.~~

9 (G) ~~THE FUND MAY BE USED ONLY FOR THE ENFORCEMENT OF THE LITTER~~
10 ~~CONTROL LAW BY PROVIDING PAYMENT FOR INFORMATION LEADING TO THE~~
11 ~~ARREST AND CONVICTION OF A PERSON WHO VIOLATES ANY PROVISION OF THE~~
12 ~~LITTER CONTROL LAW.~~

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

15 (2) ~~ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO~~
16 ~~THE GENERAL FUND OF THE STATE.~~

17 (I) ~~EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE~~
18 ~~WITH THE STATE BUDGET.~~

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