

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 1029
Judiciary

(Delegate Frush, *et al.*)

Criminal Law - Large-Scale Balloon Release - Penalty

This bill prohibits a person from knowingly releasing outdoors, or causing to be released outdoors, 20 or more gas balloons as a part of a public or civic event, promotional activity, or product advertisement. A violator is guilty of a misdemeanor and subject to a maximum fine of \$500.

Fiscal Summary

State Effect: Minimal. General fund revenues could increase minimally under the bill's monetary penalty provision since cases involving this offense would be heard in the District Court.

Local Effect: None. Enforcement could be handled with the existing budgeted resources of local law enforcement agencies.

Small Business Effect: None.

Analysis

Current Law: There are no current provisions in Maryland directly addressing the release of balloons.

“Fire balloons” are included under the definition of fireworks. Without a permit, a person may not discharge fireworks or possess fireworks with a certain intent or purpose relating to discharge. A violator is guilty of a misdemeanor and subject to a maximum fine of \$250 for each offense.

The State Fire Marshal may issue a permit to authorize the discharge of fireworks in a place where the discharge is legal. Such a permit may only be issued if the State Fire Marshal determines that the proposed discharge will not endanger health or safety or damage property, and will be supervised by an experienced and qualified person with a certain previous written authority.

Background: In connection with environmental concerns, including protection of endangered species, California, Tennessee, and Virginia have statutory provisions limiting or prohibiting the release of certain balloons.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (District Court), Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2004
mh/jr

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