

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 1112
Judiciary

(Allegany County Delegation)

Allegany County - Civil Infractions - Appearance in Court

This bill provides that, in Allegany County, during prosecution of a civil infraction, the presence of the State's Attorney for the county is not required if the official who issued the citation is present at the trial on behalf of the county.

Fiscal Summary

State Effect: None.

Local Effect: The bill would increase the efficiency of enforcing civil infractions in Allegany County but would not effect county finances.

Small Business Effect: None.

Analysis

Current Law: Allegany County is a code home rule county governed by three county commissioners, and derives its legislative authority from Article 25B of the Code of Maryland.

Civil infractions in code counties are subject to a fine of not more than \$500 for a single offense, or a fine of not more than \$1,000 for a repeat offense. A defendant may elect to stand trial for such an offense, under the same burden of proof and evidentiary standards prescribed by law or rule for the trial of criminal cases. The State's Attorney for a county prosecutes civil infractions in the same manner as for violations of criminal laws. Subject to approval by the county commissioners, the State's Attorney may designate the

county attorney or an assistant county attorney to exercise the power to prosecute civil infractions.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State's Attorneys' Association, Allegany County, Judiciary (Administrative Office of the Courts), State Prosecutor's Office, Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2007
ncs/hlb

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