

SENATE BILL 566

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4lr1186

By: **Senator Simonaire**

Introduced and read first time: January 29, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Littering – Mandatory Public Service**

3 FOR the purpose of making performance of certain public service a mandatory rather
4 than an optional penalty for the criminal offense of littering; requiring a person
5 who unlawfully disposes of litter to be ordered to perform a certain number of
6 hours of public service relating to the removal of the litter disposed of or the
7 restoration of a certain polluted area; making the number of hours of public
8 service that is required correlate to the amount of litter unlawfully disposed of;
9 and generally relating to the criminal offense of littering.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 10–110
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2013 Supplement)

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

17 **Article – Criminal Law**

18 10–110.

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

20 (2) “Bi–county unit” means:

21 (i) the Maryland–National Capital Park and Planning
22 Commission; or

23 (ii) the Washington Suburban Sanitary Commission.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (4) “Public or private property” means:

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

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

7 (iii) a park;

8 (iv) a parking facility;

9 (v) a playground;

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

12 (vii) a building;

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

14 (ix) residential or farm property; or

15 (x) timberlands or a forest.

16 (b) The General Assembly intends to:

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

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

21 (c) A person may not:

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

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

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

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

6 (d) If two or more individuals are occupying a motor vehicle, boat, airplane,
7 or 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
10 responsible 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 allegedly
16 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
18 provided in this subsection.

19 (2) (i) A person who disposes of litter in violation of this section in
20 an amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is
21 guilty of a misdemeanor and on conviction:

22 1. is subject to imprisonment not exceeding 30 days or a
23 fine not exceeding \$1,500 or both; **AND**

24 2. **SHALL BE ORDERED TO PERFORM 8 HOURS OF**
25 **PUBLIC SERVICE RELATING TO THE REMOVAL OF LITTER DISPOSED OF IN**
26 **VIOLATION OF THIS SECTION OR TO THE RESTORATION OF AN AREA POLLUTED**
27 **BY LITTER DISPOSED OF IN VIOLATION OF THIS SECTION.**

28 (ii) A person who disposes of litter in violation of this section in
29 an amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216
30 cubic feet, and not for commercial gain:

31 1. is guilty of a misdemeanor and on conviction is
32 subject to imprisonment not exceeding 1 year or a fine not exceeding \$12,500 or both;
33 **AND**

1 **2. SHALL BE ORDERED TO PERFORM 16 HOURS OF**
2 **PUBLIC SERVICE RELATING TO THE REMOVAL OF LITTER DISPOSED OF IN**
3 **VIOLATION OF THIS SECTION OR TO THE RESTORATION OF AN AREA POLLUTED**
4 **BY LITTER DISPOSED OF IN VIOLATION OF THIS SECTION.**

5 (iii) A person who disposes of litter in violation of this section in
6 an amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial
7 gain is guilty of a misdemeanor and on conviction:

8 1. is subject to imprisonment not exceeding 5 years or a
9 fine not exceeding \$30,000 or both; **AND**

10 **2. SHALL BE ORDERED TO PERFORM 24 HOURS OF**
11 **PUBLIC SERVICE RELATING TO THE REMOVAL OF LITTER DISPOSED OF IN**
12 **VIOLATION OF THIS SECTION OR TO THE RESTORATION OF AN AREA POLLUTED**
13 **BY LITTER DISPOSED OF IN VIOLATION OF THIS SECTION.**

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

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

18 (ii) repair or restore any property damaged by, or pay damages
19 for, the disposal of the litter in violation of this section; **OR**

20 (iii) [perform public service relating to the removal of litter
21 disposed of in violation of this section or to the restoration of an area polluted by litter
22 disposed of in violation of this section; or

23 (iv)] reimburse the State, county, municipal corporation, or
24 bi-county unit for its costs incurred in removing the litter disposed of in violation of
25 this section.

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

30 (g) A law enforcement unit, officer, or official of the State or a political
31 subdivision of the State, or an enforcement unit, officer, or official of a commission of
32 the State, or a political subdivision of the State, shall enforce compliance with this
33 section.

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

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

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

5 (3) otherwise publicize the availability of litter receptacles and the
6 requirements of this section.

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

8 (i) to the county or municipal corporation where the violation
9 occurred; or

10 (ii) if the bi-county unit is the enforcement unit and the
11 violations occurred on property over which the bi-county unit exercises jurisdiction, to
12 the bi-county unit.

13 (2) Fines collected shall be used to pay for litter receptacles and
14 posting signs as required by subsection (h) of this section and for other purposes
15 relating to the removal or control of litter.

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

17 (i) prohibit littering; and

18 (ii) classify littering as a municipal infraction under Title 6 of
19 the Local Government Article.

20 (2) The governing bodies of Prince George's County and Calvert
21 County may each adopt an ordinance to prohibit littering under this section and, for
22 violations of the ordinance, may impose criminal penalties and civil penalties that do
23 not exceed the criminal penalties and civil penalties specified in subsection (f)(1)
24 through (3) of this section.

25 (k) This section may be cited as the "Illegal Dumping and Litter Control
26 Law".

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2014.