

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 566 (Senator Simonaire)
Judicial Proceedings

Criminal Law - Littering - Mandatory Public Service

This bill requires, rather than authorizes, a court to order a person convicted of specified littering offenses to perform mandatory public service related to the removal of litter or to the restoration of an area polluted by illegal disposal of litter. The mandatory hours of public service vary based on the weight/volume of litter involved in the offense as follows: 8 hours for up to 100 pounds/27 cubic feet, 16 hours for more than 100 pounds/27 cubic feet up to 500 pounds/216 cubic feet, and 24 hours for more than 500 pounds/216 cubic feet.

Fiscal Summary

State Effect: The bill can be handled with existing budgeted State resources.

Local Effect: The bill can be handled with existing budgeted local resources.

Small Business Effect: None.

Analysis

Current Law: A person may not (1) dispose of litter on a highway or perform an act that violates the State Vehicle Laws regarding disposal of litter, glass, and other prohibited substances on highways or (2) dispose or cause or allow the disposal of litter on public or private property unless:

- the property is designated by the State, a unit of the State, or a political subdivision of the State for the disposal of litter and the person is authorized by the proper public authority to use the property; or
- the litter is placed into a litter receptacle or container installed on the property.

If two or more individuals are occupying a motor vehicle, boat, airplane, or other conveyance from which litter is disposed and it cannot be determined which occupant is the violator (1) the owner of the conveyance, if present, is presumed to be responsible for the violation or (2) if the owner is not present, the operator is presumed to be responsible for the violation.

A person who disposes of litter in an amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is guilty of a misdemeanor and is subject to imprisonment for up to 30 days and/or a maximum fine of \$1,500.

A person who disposes of litter in an amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216 cubic feet, and not for commercial gain is guilty of a misdemeanor and is subject to imprisonment for up to one year and/or a maximum fine of \$12,500.

A person who disposes of litter in an amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial gain is guilty of a misdemeanor and is subject to imprisonment for up to five years and/or a maximum fine of \$30,000.

In addition to the penalties listed above, a court may order the violator to (1) remove or render harmless the disposed litter; (2) repair or restore any property damaged by, or pay damages for, the disposal of the litter; (3) perform public service relating to the removal of disposed litter or to the restoration of an area polluted by disposed litter; or (4) reimburse the State, county, municipal corporation, or bi-county unit for its costs incurred in removing the disposed litter.

In addition to, or instead of, the penalties listed above, the court may suspend for up to seven days the license of the person to operate the type of motor vehicle, boat, or other conveyance used in the violation who is presumed to be responsible for the violation involving the conveyance.

Background: According to the Judiciary, there were 822 violations filed in the District Court during calendar 2013 for littering (up to 100 pounds/27 cubic feet), 26 violations for littering (exceeding 100 pounds/27 cubic feet and up to 500 pounds/216 cubic feet), and 32 violations for littering (more than 500 pounds/216 cubic feet).

According to the Maryland State Commission on Criminal Sentencing Policy, there was one conviction for littering (more than 500 pounds/216 cubic feet) in the State's circuit courts during fiscal 2013.

State Fiscal Effect: The Department of Public Safety and Correctional Services advises that the bill does not impact the department. The Judiciary does not anticipate a significant fiscal or operational impact as a result of the bill.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy, Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 16, 2014
mc/kdm

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