

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 622
Judiciary

(Calvert County Delegation)

Criminal Law - Trespass - Refusal or Failure to Leave Public Building or
Grounds

This bill prohibits a person from refusing or failing to leave a public building or grounds, or a specific part of a public building or grounds, during regular business hours if the person has been served a court order, a trespass warning, or any other official government document prohibiting the person from returning to the public building or grounds, or a specific portion of the public building or grounds at the time of the violation. Violators are guilty of a misdemeanor, punishable by imprisonment for up to six months and/or a \$1,000 maximum fine.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the bill's expanded application of existing penalty provisions.

Local Effect: Potential minimal increase in local expenditures due to the bill's expanded application of an existing incarceration penalty. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: A person may not refuse or fail to leave a public building or grounds, or a specific part of a public building or grounds, during regular business hours if (1) the surrounding circumstances would indicate to a reasonable person that the person who refuses or fails to leave has no apparent lawful business to pursue at the public building or grounds or is acting in a manner disruptive of and disturbing to the conduct of normal

business by the government unit that owns, operates, or maintains the public building or grounds and (2) an authorized employee of the government unit asks the person to leave.

Violators are guilty of a misdemeanor, punishable by imprisonment for up to six months and/or a \$1,000 maximum fine.

Background: Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. Individuals subject to a sentence of one year or less in Baltimore City serve their sentences in a State-operated facility. During fiscal 2018, the Division of Correction received one inmate sentenced to 10 days for trespassing. The Division of Parole and Probation conducted two intakes for trespassing during fiscal 2018.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery and Prince George's counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Maryland State's Attorneys' Association; Department of General Services; Department of Natural Resources; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2019
mm/kdm

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