

**Department of Legislative Services**  
Maryland General Assembly  
2019 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

House Bill 515

(Delegate Hornberger, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

---

**Municipalities - Municipal Infraction Proceedings - Designation of a Building Inspector or an Enforcement Officer to Testify**

---

This bill authorizes a municipality to designate a qualified building inspector or enforcement officer to testify in a municipal infraction proceeding without the assistance of a prosecuting attorney. The bill does not limit or restrict the ability of a prosecuting attorney to call individuals to testify in a municipal infraction proceeding. A “qualified building inspector or enforcement officer” is a building inspector or an enforcement officer that is nationally accredited and certified by the International Code Council or the National Fire Protection Association as (1) a building inspector; (2) a fire inspector; (3) an accessibility inspector; or (4) a property maintenance and housing inspector.

---

**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Potential minimal impact on municipal operations and finances.

**Small Business Effect:** None.

---

**Analysis**

**Current Law:** Unless State law classifies a violation as a criminal offense, Title 6 of the Local Government Article authorizes the adjudication of violations of municipal ordinances if the legislative body of a municipality provides for this process by local law. A municipal infraction is a civil offense and may result in the imposition of specified fines, costs, and an order to abate the infraction.

Pursuant to § 6-108 of the Local Government Article, the State's Attorney for a county may prosecute a municipal infraction and (1) enter a *nolle prosequi* or (2) place a municipal infraction on the stet docket. State law also authorizes a municipality to designate an attorney to prosecute a municipal infraction in the same manner as the State's Attorney for a county.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** City of Havre de Grace; Maryland Municipal League; Town of Rising Sun; Department of Legislative Services

**Fiscal Note History:** First Reader - February 22, 2019  
mag/tso Third Reader - March 14, 2019  
Revised - Amendment(s) - March 14, 2019

---

Analysis by: Arnold Adja

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510