

Department of Legislative Services
 Maryland General Assembly
 2020 Session

FISCAL AND POLICY NOTE
 First Reader

Senate Bill 209 (Senator West)
 Judicial Proceedings

Criminal Law - Unruly Social Gatherings - Civil Penalties

This bill prohibits a person responsible for a private premises from conducting, causing, permitting, or aiding in the maintaining of any “unruly social gathering” on or in those premises. Violators are subject to the issuance of a civil citation and maximum penalties of \$500 (for a first violation) and \$1,000 (for a second or subsequent violation). A court may also order a violator to perform 20 hours of community service. Nothing in the bill prohibits a law enforcement officer from issuing a criminal citation or other civil citation under State or local law for violations arising out of the same circumstances. The bill may not be construed to preempt or prevail over any ordinance, resolution, law, or rule that is more stringent.

Fiscal Summary

State Effect: General fund expenditures increase by \$65,300 in FY 2021 for the Judiciary to make one-time programming changes. Any increase in District Court caseloads are not expected to materially affect State finances. Revenues are not affected.

(in dollars)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	65,300	0	0	0	0
Net Effect	(\$65,300)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Minimal increase in local fine revenues. Enforcement can be handled with existing resources.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary:

Prohibition and Issuance of Citations

A “person responsible” for “a “premises” may not conduct, cause, permit, or aid in the maintaining of any “unruly social gathering” on or in those premises.

An “unruly social gathering” is a party or gathering of three or more individuals on or in any premises at which (1) underage alcohol possession, furnishing, or consumption occurs and (2) the conduct creates a disturbance of the peaceful enjoyment by others of property, including specified acts. Exceptions exist for family gatherings and religious ceremonies. “Person responsible” means the owner, operator, tenant, or occupant of or the holder of any possessory interest in those premises, whether alone or jointly with any other person. “Premises” means all or any part of any privately owned residence, building, or other structure including the curtilage of a privately owned residence that contains fewer than seven dwelling units.

A law enforcement officer may issue a civil citation for a violation of this prohibition to every person responsible for the premises, including a landlord and tenants; however, an owner who is not the occupant of the premises may not be issued a citation for a first violation at the premises.

In general, a person responsible for a premises where a related violation occurred remains liable for a violation even if that person was not present during the nuisance activity or the social event. An owner or operator of the premises remains liable for a violation regardless of any contract or agreement with any third party regarding the premises.

If the person responsible for the premises on or in which an unruly social gathering occurs is a minor, the minor and the parents or legal guardians of the minor are jointly and severally liable for the penalties imposed by the bill.

Citations, Trials, Defenses, and Fines

The bill specifies the required content of a citation and related procedures, requires the District Court to establish a schedule for prepayment of fines for a violation, and authorizes the recipient of a citation to request a trial. The District Court must remit any collected penalties to the county in which the violation occurred.

The State’s Attorney for any county may (1) prosecute a violation of the bill in the same manner as a prosecution of a violation of the criminal laws of the State and (2) enter a *nolle*

prosequi or place the case on the stet docket and exercise authority in the same manner as prescribed by law for violation of the criminal laws of the State.

It is a defense to a citation that (1) the defendant did not authorize, know in advance of, or participate in the unruly social gathering and (2) the defendant has regained possession of the premises or taken action to regain possession of the leased premises. However, this defense is not available if a person has been issued at least four citations within one year.

Current Law/Background: State law does not currently contain specified prohibitions on unruly social gatherings. However, § 10-201 of the Criminal Law Article does prohibit disturbing the public peace and disorderly conduct, which is a misdemeanor punishable by imprisonment for up to 60 days and/or a \$500 maximum fine.

Some local jurisdictions have ordinances prohibiting unruly social gatherings. The College Park unruly social gathering ordinance went into effect on October 15, 2019. There is a similar ordinance in Towson.

State Expenditures: General fund expenditures for the Judiciary increase by \$65,276 in fiscal 2021 only for one-time computer reprogramming. The Judiciary advises that programming is necessary to alter cash register software, track payments and cases, allocate payments, and create a new fee code and fee schedule.

Small Business Effect: The bill has a potentially meaningful effect on small businesses (such as landlords) that are subject to citations and fines under the bill.

Additional Information

Prior Introductions: SB 692 of 2019, a similar bill, was referred to the Senate Judicial Proceedings Committee, but subsequently withdrawn.

Designated Cross File: None.

Information Source(s): Anne Arundel, Howard, and Montgomery counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of State Police; Department of Legislative Services

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