

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 564
Judiciary

(Delegate Moon)

Municipalities - Vagrancy - Repeal of Authority to Prohibit

This bill repeals the authority of a municipality to prohibit vagrancy.

Fiscal Summary

State Effect: None.

Local Effect: Municipal expenditures are not anticipated to be materially affected as discussed below. Revenues are not affected.

Small Business Effect: Potentially meaningful.

Analysis

Current Law: A municipality may prohibit vagrancy, vice, gambling, and houses of prostitution in the municipality. A municipality may also enforce all ordinances relating to disorderly conduct and nuisances equally within the municipality, and up to one-half mile outside the municipal limits, except where there is a conflict with the powers of another municipality.

Title 5, Subtitle 2 of the Local Government Article describes the general authority and express powers granted to municipalities. Generally, a municipality may adopt ordinances that (1) assures the good government of the municipality; (2) protect and preserve the municipality's rights, property, and privileges; (3) preserve peace and good order; (4) secure persons and property from danger and destruction; and (5) protect the health, comfort, and convenience of the residents of the municipality. However, an ordinance adopted by a municipal government may not conflict with State law.

Local Expenditures: The bill removes the authority of a municipal government to prohibit vagrancy in the municipality. The Maryland Municipal League advises that ancillary costs in some municipalities may increase to amend a municipal code of ordinances to come into compliance with the bill. However, under current law, a municipality may enforce all ordinances relating to disorderly conduct and nuisances occurring within the municipality, which includes any disorderly conduct or nuisances of a vagrant.

Small Business Effect: The bill may have a meaningful impact on small businesses as a result of vagrancy problems, which is heightened during cold or harsh weather conditions where vagrants go to small businesses seeking shelter.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): City of Havre de Grace; Judiciary (Administrative Office of the Courts); Maryland Municipal League; Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2023
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