

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 522

(Senator Augustine)

Education, Energy, and the Environment

Environment and Transportation

Charter Counties - Enforcement of Local Laws

This bill increases, from \$1,000 to \$5,000, the maximum civil and criminal fines that may be imposed by a charter county for the enforcement of an ordinance, a resolution, a bylaw, or a regulation adopted by the county.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: The revenues of a charter county may increase to the extent that a county utilizes its authority under the bill to increase civil and criminal fines. Local government expenditures are not affected.

Small Business Effect: None.

Analysis

Current Law: Title 10, Subtitle 2 of the Local Government Article describes the express powers granted to charter counties under Article XI-A, § 2 of the Maryland Constitution. The Express Powers Act grants powers to charter counties to legislate and administer over local affairs.

A charter county may provide for the enforcement of an ordinance, a resolution, a bylaw, or a regulation through the imposition of civil and criminal fines and penalties. Civil fines up to \$1,000 and criminal fines and penalties up to \$1,000 and imprisonment not exceeding six months may be imposed for any offense.

Additionally, charter counties may enforce:

- local fair housing laws by fines or penalties that do not exceed the fines or penalties provided in the federal Fair Housing Act Amendments of 1988 for enforcement of similar federal fair housing laws; and
- local employment discrimination or public accommodations discrimination laws by civil fines not exceeding \$5,000 for any offense.

State Fiscal Effect: The bill increases, from \$1,000 to \$5,000, the maximum civil and criminal fines that may be imposed by a charter county under Local Government Article § 10-202, as specified. Judiciary advises that the increased criminal fines, under the bill, for a violation of Local Government Article § 10-202 may result in an increase in jury trials. However, no significant fiscal or operational impact is anticipated.

Local Revenues: The bill's impact on revenues of a charter county depends on whether or not a county increases its civil and/or criminal fines under the bill. The Maryland Association of Counties advises the legislation could potentially increase revenues for charter counties that levy these fines, as the maximum fines for specified civil and criminal offenses increase by \$4,000 each under the bill. The extent of any impact cannot be reliably estimated at this time.

Additional Information

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

Designated Cross File: HB 501 (Delegate Fennell, *et al.*) - Environment and Transportation.

Information Source(s): Prince George's County; Maryland Association of Counties; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2024
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