

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Environment and Transportation Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 8
Illegal Dumping and Litter Control Law – Yard Waste
DATE: January 8, 2020
(1/29)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 8. This legislation adds “Yard Waste” to the definition of “Litter” as listed under Criminal Law Article § 10-110. Under this legislation, a person who disposes of “yard waste” in violation of Criminal Law Article § 10-110 is guilty of a misdemeanor and on conviction is subject to a fine of not less than \$50 and not exceeding \$300 for a first offense, and a fine of not less than \$50 and not exceeding \$1,000 for a second or subsequent offense. The court may not impose a penalty of less than the mandatory minimum fine of \$50.00 subject to Criminal Law §14-102. In addition to the penalties provided, a court shall order a person found guilty of disposing of yard waste in violation of this section to remove or render harmless the yard waste disposed of in violation of this section; or reimburse the state, county, municipal corporation, or bi-county unit for its costs incurred in removing the yard waste.

The Judiciary traditionally opposes legislation that includes mandatory penalties. The Judiciary believes it is important for judges to weigh the facts and circumstances for each individual case when imposing a sentence. Provisions that place restrictions on the sentencing judge prevent the judge from considering legislative intent or factors unique to the case. Recognizing that lawmakers are responsible for enacting penalties for crimes, judges are mindful of various mitigating factors in crafting a sentence that most appropriately fits the individual defendant and the crime.

cc. Hon. Steven Arentz
Judicial Council
Legislative Committee
Kelley O’Connor