



FREDERICK
OFFICE OF THE MAYOR

Chairman Kumar P. Barve
Environment and Transportation Committee
Room 251
House Office Building
Annapolis, MD 21401

February 1, 2023

LETTER OF SUPPORT HB0139 - SPEED MONITORING SYSTEMS – MUNICIPAL CORPORATIONS – STATEMENTS AND CERTIFICATES OF VIOLATIONS

Dear Chairman Barve,

We respectfully request the Environment and Transportation Committee take a position of support for HB0139 to amend the Maryland Transportation Article. This amendment would give trained non-sworn employees of a municipality the authority to issue of a certificate of violation detected by an Automated Speed Enforcement camera (ASE).

Section 21-809(d)(viii) requires that the statement of violation (citation) must be, “A signed statement by a duly authorized law enforcement officer employed by or under contract with an agency....” Further, the law requires in Section (e)(1) that only a duly authorized law enforcement officer’s signature ensures admissibility of the citation in court as evidence.

However, violations issued under Section 21-809 are civil violations, no different than municipal infractions, parking citations, and code violations. All these civil violations can be issued and signed by non-sworn personnel, and their testimony is accepted by the courts.

Jurisdictions that have ASE programs contract for these services through private sector vendors. The vendor provides camera installation and maintenance, software, video review and other support. The programs have inspection and audit requirements. None of these functions necessitates a sworn officer.

We submit that a non-sworn member of an Agency as defined in 21-809(a)(2), given appropriate training, should have the ability to certify these violations and that their signature be adequate for admissibility of the citation in court. This measure would free up sworn officers who are being taken out of service for this administrative function and put them back in service. Additionally, it will enable municipalities and towns with no police department to stand up their own ASE program on their own without the need to contract with other jurisdictions and pay officers from an outside agency for issuance of violations and court testimony.

New Market Mayor Winslow Burhans and City of Frederick Alderman Kelly Russell worked together to request this bill. New Market had been unable to stand up a speed camera program because they have no police department. As a stop gap remedy, they have contracted with the Frederick Police Department (which already has a successful program) to provide review and court testimony by off-duty officers at an hourly

overtime rate. New Market's program is now up and running, but with unnecessary costs and logistical coordination.

At their February 24, 2022, meeting, the Frederick County Chapter of the Maryland Municipal League (MML) discussed this measure. With a quorum, the chapter voted to support a request for a bill and sent a letter of support to the full delegation on April 15, 2022. Additionally, a Legislative Action Request (LAR) was submitted by the Chapter to the MML Legislative Committee. HB0139, sponsored by Frederick Delegates Kerr and Fair, was drafted and has been reviewed by the Legislative Committee of the MML and they have taken a position of support.

We appreciate your consideration and ask for your finding of support.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. O'Connor", with a long, sweeping flourish extending to the right.

Michael O'Connor
Mayor