



Bill No.: _____
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By: **Prince George's County Delegation and Montgomery County Delegation**

A BILL ENTITLED

AN ACT concerning 1

**Maryland-National Capital Park and Planning Commission - Fine for
Erecting a Structure or Enclosing an Area** 2 3

PG/MC 110-06 4

FOR the purpose of increasing the maximum amount of the pre-set fine that the 5
Maryland-National Capital Park and Planning Commission may impose for a 6
Commission infraction of unauthorized enclosure of an area or erection of a 7
structure on Commission property; increasing the maximum amount of the fine 8
that may be imposed if a person is found by the District Court to have 9
committed a Commission infraction of unauthorized enclosure of an area or 10
erection of a structure on Commission property; and generally relating to the 11
Maryland-National Capital Park and Planning Commission. 12

BY repealing and reenacting, with amendments, 13

Article 28 - Maryland-National Capital Park and Planning Commission 14

Section 5-113 15

Annotated Code of Maryland 16

(2003 Replacement Volume and 2005 Supplement) 17

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 28 – Maryland–National Capital Park and Planning Commission

5–113.

(a) The Commission may make rules and regulations for the government and use of all land or other property acquired by it or under its jurisdiction. It shall cause these rules and regulations to be posted outside each park headquarters building, community center, recreation center, or similar building in a developed park area. Following their promulgation, they shall be published at least three times within 60 days, in one or more newspapers published in the metropolitan district, and the posting and publication shall be sufficient notice to all persons. The sworn certificate of any member of the Commission of the posting and publication shall be prima facie evidence thereof.

(b) (1) Any violation of a rule or regulation is a “Commission infraction” unless the violation is declared by law to be a criminal offense. For the purpose of this article, a Commission infraction is a civil offense.

(2) Commission police officers may deliver a citation to any person whom they adjudge to be committing a Commission infraction. A copy of the citation shall be retained by the issuing authority and shall bear his certification attesting to the truth of the matter therein set forth. The citation shall also contain:

(i) Name and address of the person charged;

(ii) The nature of the infraction;

(iii) The location and time that the infraction occurred;

(iv) The amount of the infraction fine assessed;

(v) The manner, location, and time in which the fine may be paid to the Commission; and

(vi) The person's right to elect to stand trial for the infraction. 44

(3) (I) [A] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS 45
PARAGRAPH, A pre-set fine not to exceed \$50 may be imposed for each conviction of a 46
Commission infraction. The Commission is authorized to establish a schedule of 47
pre-set fines for each conviction of a Commission infraction, which is payable by the 48
recipient of the citation to the Commission within 20 calendar days of the receipt of 49
the citation. Repeat offenders may be assessed a pre-set fine not to exceed \$100 for 50
each repeat offense. 51

(II) FOR EACH CONVICTION OF THE COMMISSION INFRACTION OF 52
UNAUTHORIZED ENCLOSURE OF AN AREA OR ERECTION OF A STRUCTURE ON 53
COMMISSION PROPERTY, A PRE-SET FINE NOT TO EXCEED \$1,000 MAY BE IMPOSED 54
FOR EACH DAY THAT THE ENCLOSURE OR STRUCTURE REMAINS ON COMMISSION 55
PROPERTY. 56

(4) A person receiving the citation for a Commission infraction may elect 57
to stand trial for the offense by notifying the Commission of his intention of standing 58
trial. The notice shall be given at least 5 days prior to the date of payment as set forth 59
in the citation. Upon receipt of the notice of the intention to stand trial, the 60
Commission shall forward to the District Court having venue a copy of the citation 61
and the notice from the person who received the citation indicating his intention to 62
stand trial. Upon receipt of the citation, the District Court shall schedule the case for 63
trial and notify the defendant of the trial date. All fines, penalties, or forfeitures 64
collected by the District Court for Commission infractions shall be remitted to the 65
Commission. 66

(5) If a person receiving a citation for an infraction fails to pay the fine 67
for the infraction by the date of payment set forth on the citation and fails to file a 68
notice of his intention to stand trial for the offense, a formal notice of the infraction 69
shall be sent to the owner's last known address. If the citation has not been satisfied 70
within 15 days from the date of the notice, he shall be liable for an additional fine not 71
to exceed twice the original fine. If after 35 days the citation has not been satisfied, 72

the Commission may request adjudication of the case through the District Court. The 73
District Court shall thereupon promptly schedule the case for trial and summon the 74
defendant to appear. The defendant's failure to respond to the summons is contempt 75
of court. 76

(6) (I) **[If]** EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS 77
PARAGRAPH, IF any person is found by the District Court to have committed a 78
Commission infraction, he shall be required to pay a fine in an amount not to exceed 79
\$50 or in the event that the infraction is a repeat offense, \$100. 80

(II) IF ANY PERSON IS FOUND BY THE DISTRICT COURT TO HAVE 81
COMMITTED THE COMMISSION INFRACTION OF UNAUTHORIZED ENCLOSURE OF AN 82
AREA OR ERECTION OF A STRUCTURE ON COMMISSION PROPERTY, THE PERSON 83
SHALL BE REQUIRED TO PAY A FINE IN AN AMOUNT NOT TO EXCEED \$1,000 FOR EACH 84
DAY THAT THE ENCLOSURE OR STRUCTURE REMAINS ON COMMISSION PROPERTY. 85

(7) Adjudication of a Commission infraction, as defined in this article, is 86
not a criminal conviction for any purpose, nor does it impose any of the civil 87
disabilities ordinarily imposed by a criminal conviction. 88

(8) In any proceeding for a Commission infraction before the District 89
Court, the violation shall be prosecuted in the same manner and to the same extent as 90
set forth for municipal infractions in Article 23A, § 3(b)(8) through (15), inclusive. 91

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 92
October 1, 2006. 93