

# SENATE BILL 692

E1, E2

9lr2087  
CF 9lr2088

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By: **Senator Kramer**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Neighborhood Nuisance – Civil Penalties**

3 FOR the purpose of prohibiting a person responsible for a premises from conducting,  
4 causing, permitting, or aiding a neighborhood nuisance or unruly social event;  
5 authorizing certain law enforcement officers to issue a citation for certain violations  
6 of this Act; specifying who may be issued a citation for certain violations; requiring  
7 a citation to include certain information; authorizing a person issued a citation to  
8 stand trial if certain notice is filed with the District Court at a certain time; requiring  
9 a District Court to schedule certain cases for trial and notify certain defendants;  
10 requiring the District Court to remit certain penalties collected for a violation of this  
11 Act to the county in which the violation occurred; requiring citations to be sent to  
12 certain individuals; authorizing a State’s Attorney for any county to prosecute a  
13 violation of this Act in a certain manner; providing certain penalties for a violation  
14 of this Act; authorizing the District Court to order a person to serve a certain number  
15 of hours of community service; providing that this Act may not be construed to  
16 preempt or prevail over any ordinance, resolution, law, or rule more stringent than  
17 this Act; defining certain terms; and generally relating to neighborhood nuisance  
18 violations and unruly social events.

19 BY adding to

20 Article – Criminal Law

21 Section 10–801 through 10–805 to be under the new subtitle “Subtitle 8.  
22 Neighborhood Nuisance”

23 Annotated Code of Maryland

24 (2012 Replacement Volume and 2018 Supplement)

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

27 **Article – Criminal Law**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                                   **SUBTITLE 8. NEIGHBORHOOD NUISANCE.**

2   **10-801.**

3           **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
4 **INDICATED.**

5           **(B) (1) "ALCOHOLIC BEVERAGE" HAS THE MEANING STATED IN § 1-101**  
6 **OF THE ALCOHOLIC BEVERAGES ARTICLE.**

7           **(2) "ALCOHOLIC BEVERAGE" INCLUDES ANY MIXTURE OF AN**  
8 **ALCOHOLIC BEVERAGE WITH A NONALCOHOLIC BEVERAGE.**

9           **(C) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN § 3-101**  
10 **OF THE PUBLIC SAFETY ARTICLE.**

11           **(D) "NEIGHBORHOOD NUISANCE" MEANS ANY PRIVATELY OWNED**  
12 **PREMISES ON OR IN WHICH AN OWNER, AN OPERATOR, A TENANT, OR AN OCCUPANT**  
13 **OF, OR THE HOLDER OF ANY POSSESSORY INTEREST IN THOSE PREMISES:**

14           **(1) ACTS IN A DISORDERLY MANNER THAT DISTURBS THE PUBLIC**  
15 **PEACE; OR**

16           **(2) CREATES OR MAINTAINS CONDITIONS THAT ALLOW OTHERS TO**  
17 **ACT IN A DISORDERLY MANNER THAT DISTURBS THE PUBLIC PEACE.**

18           **(E) "OCCUPANT" MEANS ANY PERSON OCCUPYING A PREMISES, WHETHER**  
19 **OR NOT A PARTY TO A LEASE.**

20           **(F) "OPERATOR" MEANS ANY PERSON WHO HAS CHARGE, CARE, OR**  
21 **CONTROL OF ALL OR ANY PART OF A PREMISES.**

22           **(G) (1) "OWNER" MEANS:**

23                           **(I) THE PERSON IN WHOSE NAME A PREMISES IS RECORDED IN**  
24 **THE LAND RECORDS OF THE RELEVANT COUNTY OR BALTIMORE CITY; OR**

25                           **(II) ANY OTHER PERSON WITH A LEGAL OR EQUITABLE**  
26 **INTEREST IN A PREMISES, INCLUDING A TENANT.**

27           **(2) "OWNER" INCLUDES A PERSON WHO HAS AN INTEREST AS A**  
28 **RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR**

1 REPRESENTATIVE OF ANY KIND.

2 (3) "OWNER" DOES NOT INCLUDE THE HOLDER OF A TAX SALE  
3 CERTIFICATE UNTIL A JUDGMENT FORECLOSING ALL RIGHTS OF REDEMPTION HAS  
4 BEEN ENTERED.

5 (H) "PARENT" MEANS ANY NATURAL PARENT, ADOPTIVE PARENT,  
6 STEPPARENT, OR FOSTER PARENT.

7 (I) "PERSON RESPONSIBLE" MEANS THE OWNER, OPERATOR, TENANT, OR  
8 OCCUPANT OF OR THE HOLDER OF ANY POSSESSORY INTEREST IN THOSE PREMISES,  
9 WHETHER ALONE OR JOINTLY WITH ANY OTHER PERSON.

10 (J) "PREMISES" MEANS ALL OR ANY PART OF ANY LAND, BUILDING, OR  
11 OTHER STRUCTURE.

12 (K) "TENANT" MEANS ANY TENANT OR LESSEE, WHETHER UNDER A  
13 WRITTEN OR ORAL LEASE.

14 (L) "UNDERAGE PERSON" MEANS ANY INDIVIDUAL WHO IS UNDER THE AGE  
15 OF 21 YEARS.

16 (M) "UNRULY SOCIAL EVENT" MEANS A PARTY OR GATHERING OF TWO OR  
17 MORE INDIVIDUALS ON OR IN ANY PRIVATELY OWNED PREMISES AT WHICH:

18 (1) ALCOHOLIC BEVERAGES ARE CONSUMED BY, FURNISHED TO, OR  
19 POSSESSED BY ANY UNDERAGE PERSON IN VIOLATION OF § 10-114 OF THIS TITLE;  
20 OR

21 (2) THE CONDUCT CREATES A DISTURBANCE OF THE PEACEFUL  
22 ENJOYMENT BY OTHERS OF PRIVATE OR PUBLIC PROPERTY, INCLUDING:

23 (I) NOISE IN EXCESS OF ANY NOISE CONTROL ORDINANCE,  
24 RULE, OR REGULATION ADOPTED IN ACCORDANCE WITH § 3-105 OF THE  
25 ENVIRONMENT ARTICLE OR BY A POLITICAL SUBDIVISION HAVING AUTHORITY  
26 OVER THE PROPERTY;

27 (II) OBSTRUCTION OF PUBLIC RIGHTS-OF-WAY BY UNRULY  
28 CROWDS;

29 (III) PUBLIC DRUNKENNESS;

30 (IV) ASSAULT, BATTERY, OR OTHER DISORDERLY CONDUCT

1 THAT DISTURBS THE PUBLIC PEACE;

2 (v) VANDALISM OF PUBLIC OR PRIVATE PROPERTY;

3 (vi) LITTERING; OR

4 (vii) ANY OTHER CONDUCT THAT CONSTITUTES A THREAT TO  
5 THE PUBLIC HEALTH, SAFETY, OR GENERAL WELFARE.

6 10-802.

7 NOTHING IN THIS SUBTITLE PROHIBITS A LAW ENFORCEMENT OFFICER FROM  
8 ISSUING A CRIMINAL CITATION OR OTHER CIVIL CITATION UNDER STATE OR LOCAL  
9 LAW FOR VIOLATIONS ARISING OUT OF THE SAME CIRCUMSTANCES AS A VIOLATION  
10 OF THIS SUBTITLE.

11 10-803.

12 (A) A PERSON RESPONSIBLE FOR A PREMISES MAY NOT CONDUCT, CAUSE,  
13 PERMIT, OR AID IN THE MAINTAINING OF A NEIGHBORHOOD NUISANCE OR ANY  
14 UNRULY SOCIAL EVENT ON OR IN THOSE PREMISES.

15 (B) EXCEPT AS PROVIDED IN § 10-804(B) OF THIS TITLE, A PERSON  
16 RESPONSIBLE FOR A PREMISES WHERE A VIOLATION OF THIS SUBTITLE OCCURRED  
17 REMAINS LIABLE FOR A VIOLATION OF THIS SECTION EVEN IF THAT PERSON WAS  
18 NOT PRESENT DURING THE NUISANCE ACTIVITY OR THE SOCIAL EVENT.

19 (C) AN OWNER OR OPERATOR OF THE PREMISES REMAINS LIABLE FOR A  
20 VIOLATION OF THIS SUBTITLE REGARDLESS OF ANY CONTRACT OR AGREEMENT  
21 WITH ANY THIRD PARTY REGARDING THE PREMISES.

22 (D) IF THE PERSON RESPONSIBLE FOR THE PREMISES ON OR IN WHICH A  
23 NEIGHBORHOOD NUISANCE OR AN UNRULY SOCIAL EVENT OCCURS IS UNDER THE  
24 AGE OF 18 YEARS, THE PERSON UNDER THE AGE OF 18 YEARS AND THE PARENTS OR  
25 LEGAL GUARDIANS OF THE PERSON UNDER THE AGE 18 YEARS ARE JOINTLY AND  
26 SEVERALLY LIABLE FOR THE PENALTIES IMPOSED BY THIS SUBTITLE.

27 10-804.

28 (A) A LAW ENFORCEMENT OFFICER MAY ISSUE A CITATION UNDER THIS  
29 SUBTITLE.

30 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A

1 CITATION MAY BE ISSUED TO EVERY PERSON WHO IS AN OWNER OF THE PROPERTY,  
2 INCLUDING A LANDLORD AND TENANTS.

3 (2) AN OWNER WHO IS NOT THE OCCUPANT OF THE PROPERTY MAY  
4 NOT BE ISSUED A CITATION FOR A FIRST VIOLATION AT THE PROPERTY.

5 (C) A CITATION ISSUED UNDER THIS SECTION SHALL INCLUDE:

6 (1) THE NAME AND ADDRESS OF THE PERSON CHARGED;

7 (2) THE NATURE OF THE VIOLATION;

8 (3) THE LOCATION AND TIME OF THE VIOLATION;

9 (4) THE AMOUNT OF THE CIVIL PENALTY;

10 (5) THE MANNER, LOCATION, AND TIME IN WHICH THE CIVIL PENALTY  
11 MAY BE PAID;

12 (6) A NOTICE STATING THE PERSON'S RIGHT TO ELECT TO STAND  
13 TRIAL FOR THE VIOLATION; AND

14 (7) A WARNING THAT FAILURE TO PAY THE CIVIL PENALTY OR TO  
15 CONTEST LIABILITY IN A TIMELY MANNER IN ACCORDANCE WITH THE CITATION:

16 (I) IS AN ADMISSION OF LIABILITY; AND

17 (II) MAY RESULT IN ENTRY OF A DEFAULT JUDGMENT THAT MAY  
18 INCLUDE THE CIVIL PENALTY, COURT COSTS, AND ADMINISTRATIVE EXPENSES.

19 (D) A PERSON ISSUED A CITATION UNDER THIS SECTION MAY REQUEST A  
20 TRIAL FOR THE VIOLATION BY FILING A NOTICE OF INTENTION TO STAND TRIAL  
21 WITH THE DISTRICT COURT IN THE JURISDICTION WHERE THE CITATION WAS  
22 ISSUED AT LEAST 5 DAYS BEFORE THE DATE SET IN THE CITATION FOR THE  
23 PAYMENT OF THE CIVIL PENALTY.

24 (E) AFTER RECEIVING A CITATION AND NOTICE UNDER THIS SECTION, THE  
25 DISTRICT COURT SHALL SCHEDULE THE CITATION FOR TRIAL AND NOTIFY THE  
26 DEFENDANT OF THE TRIAL DATE.

27 (F) THE DISTRICT COURT SHALL REMIT ANY PENALTIES COLLECTED FOR A  
28 VIOLATION OF THIS SUBTITLE TO THE COUNTY IN WHICH THE VIOLATION  
29 OCCURRED.

1           **(G) EACH CITATION ISSUED UNDER THIS SUBTITLE SHALL BE SENT TO THE**  
2 **PERSON LISTED ON THE LAND RECORDS AS THE OWNER OF THE PROPERTY.**

3           **(H) (1) THE STATE'S ATTORNEY FOR ANY COUNTY MAY PROSECUTE A**  
4 **VIOLATION OF THIS SUBTITLE IN THE SAME MANNER AS A PROSECUTION OF A**  
5 **VIOLATION OF THE CRIMINAL LAWS OF THE STATE.**

6           **(2) IN A CASE PROSECUTING A PERSON FOR VIOLATION OF THIS**  
7 **SUBTITLE, THE STATE'S ATTORNEY MAY:**

8                   **(I) ENTER A NOLLE PROSEQUI OR PLACE THE CASE ON THE**  
9 **STET DOCKET; AND**

10                   **(II) EXERCISE AUTHORITY IN THE SAME MANNER AS**  
11 **PRESCRIBED BY LAW FOR VIOLATION OF THE CRIMINAL LAWS OF THE STATE.**

12 **10-805.**

13           **(A) (1) IF THE DISTRICT COURT FINDS THAT A PERSON HAS COMMITTED**  
14 **A VIOLATION OF THIS SUBTITLE, THE COURT SHALL REQUIRE THE PERSON TO PAY:**

15                   **(I) FOR A FIRST VIOLATION, A FINE NOT EXCEEDING \$500; OR**

16                   **(II) FOR A SECOND OR SUBSEQUENT VIOLATION, A FINE NOT**  
17 **EXCEEDING \$1,000.**

18           **(2) IF THE DISTRICT COURT FINDS THAT A PERSON HAS VIOLATED**  
19 **THIS SUBTITLE, THE COURT MAY ORDER THE PERSON TO SERVE 20 HOURS OF**  
20 **COMMUNITY SERVICE.**

21           **(B) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ESTABLISH A**  
22 **SCHEDULE FOR THE PREPAYMENT OF FINES FOR A CODE VIOLATION UNDER THIS**  
23 **SUBTITLE.**

24           SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed  
25 to preempt or prevail over any ordinance, resolution, law, or rule more stringent than this  
26 Act.

27           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2019.