

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**  
**Revised**

House Bill 1161 (Delegate Redmer, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

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**Water Pollution - Penalties - Statute of Limitations**

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This bill provides that a criminal or civil action for violation of specified water pollution provisions must be instituted within three years after the violation was committed. The bill only applies to any water pollution violation committed on or after the bill's October 1, 2002 effective date.

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**Fiscal Summary**

**State Effect:** This bill is procedural in nature and is not expected to significantly affect governmental finances or operations.

**Local Effect:** None -- see above.

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:** Except as otherwise specified, a prosecution for a misdemeanor must be instituted within one year of the offense. Criminal violations of relevant water pollution provisions are considered misdemeanors. Penalties range from a fine of \$10,000 or imprisonment not exceeding six months or both, to a fine of \$50,000 for each day of violation or imprisonment not exceeding two years or both. A person who violates relevant water pollution provisions is liable for a fine not exceeding \$10,000 to be collected in a civil action brought by the Maryland Department of the Environment (MDE). Civil actions must be instituted within one year of the violation, with specified exceptions. All fines and penalties must be paid to the Maryland Clean Water Fund.

**Background:** Fines and penalties paid into the Maryland Clean Water Fund are used for activities related to identifying, monitoring, and regulating the proper discharge of effluent into the waters of the State. In a response to a similar bill last year, MDE noted that from fiscal 1996 through fiscal 2000, approximately \$68,300 was collected in criminal fines for violations of water pollution provisions affected by the bill. Information regarding the amount of fines collected in fiscal 2001 is not readily available.

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### **Additional Information**

**Prior Introductions:** A similar bill was introduced in the 2001 session as HB 407. It passed the House with amendments but was never reported out of the Senate Judicial Proceedings Committee.

**Cross File:** None.

**Information Source(s):** Office of the Attorney General, Department of Legislative Services

**Fiscal Note History:** First Reader - February 25, 2002  
lc/cer Revised - House Third Reader - March 22, 2002

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