



September 27, 2024

FISCAL AND POLICY NOTE

TO: Jennifer A. Jenkins
Council Administrator

Colette R. Gresham, Esq.
Deputy Council Administrator

THRU: Josh Hamlin 
Director of Budget and Policy Analysis

FROM: Roger G. Banegas 
Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement
CB-090-2024 Increase of General Penalty

CB-090-2024 (*Proposed by:* The Council Chair at the request of the County Executive)

Assigned to the Committee of the Whole

AN ACT CONCERNING INCREASE OF GENERAL PENALTY for the purpose of increasing the penalty for prohibited acts or violations of the County Code from \$1000.00 to \$5000.00.

Fiscal Summary

Direct Impact

Expenditures: None.

Revenues: Potentially favorable to the extent that the County utilizes its authority to increase civil and criminal fines.

Indirect Impact

Likely favorable.

Legislative Summary:

CB-090-2024¹, proposed by the Chair at the request of the County Executive, was presented on September 17, 2024, and referred to the Committee of the Whole. This bill would increase the general maximum penalty for prohibited acts or violations of the County Code from \$1,000.00 to \$5,000.00.

Background/Current Law:

Section 1-123 of the Prince George's County Code states that:

- (a) Whenever in this Code any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, no person shall willfully violate any such provision of this Code. Where no specific penalty is provided therefor, the violation of any such prohibited or unlawful act or offense, or a misdemeanor, shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment in the County Jail or other place of legal incarceration for not more than six (6) months.
- (b) This Section shall not apply to County officials, officers, employees, boards, commissions or agencies while acting in the performance of their official duties.
- (c) If the penalty for a particular offense is limited by State Statute then such limitation shall be applicable to the provision of this Code notwithstanding the provisions of the Section.
- (d) The suspension or revocation of any license, certificate or other privilege conferred by the County, shall not be regarded as a penalty for the purposes of this Code but shall be in addition thereto.

The Maryland General Assembly passed HB501² during the 2024 session. This law, which takes effect on October 1, 2024 authorizes local governments to increase civil and criminal fines that may be imposed by a charter county under Local Government Article §10-202³, from \$1000 to \$5000.

Resource Personnel

- Rhonda L. Weaver, County Attorney
- Sakinda Skinner, Council Liaison

¹ [CB-090-2024](#)

² [Maryland General Assembly - HB501](#)

³ [Md. Code, Local Gov't § 10-202](#)

Discussion/Policy Analysis

Intent and Effect

CB-090-2024 would increase the general maximum penalty for any prohibited acts or violations of the County Code from \$1,000.00 to \$5,000.00. The goal of the increased penalty would be to provide greater deterrence to violations and reduce the number of violations and crimes the County sees committed.

It is important to note that this change will only effect violations of law where there is no specific penalty provided in the law. Many, if not most, Code violations have specifically prescribed penalties. While these now may also be increased to a maximum of \$5,000 pursuant to the authority granted in HB501, doing so will require amendment of the specific Code provisions setting forth the penalty. It is not clear how many penalties are imposed under the authority of Section 1-123, but the impact of the change, both in deterrent effect and revenue impact, is dependent on that number.

Fiscal Impact

- *Direct Impact*

The enactment of CB-090-2024 may have a significant favorable direct fiscal impact on the County if it receives an increase in revenues from civil and criminal fines imposed under Section 1-123. The revenue increase is dependent on the amount of fines that are paid once the \$5,000.00 increase goes into effect. The Administration should be able to provide information on the number of impacted fines cited for a more detailed breakdown of revenue impact.

- *Indirect Impact*

The enactment of CB-090-2024 is likely to have a favorable indirect fiscal impact to the extent that there may be a decrease in violations of the County Code and, therefore, a possible reduction in crime.

- *Appropriated in the Current Fiscal Year Budget*

No.

Effective Date of Proposed Legislation:

The Act shall take effect forty-five (45) days after it becomes law.

If you require additional information or have questions about this fiscal impact statement, please call or email me.