

OFFICE OF THE STATE'S ATTORNEY
FOR
BALTIMORE CITY

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July 17, 2009

The Honorable Stephanie Rawlings Blake
and members of the Baltimore City Council
100 N. Holliday Street, Suite 400
Baltimore, MD 21202

Re: Baltimore City Council Bill 09-0354 (Stopping, Standing, or Parking Citations – Request for Nolle Prosequi)

Dear Madame President and City Council Members,

The Office of the State's Attorney for Baltimore City (OSA) has reviewed City Council Bill 09-0354 which modifies the local law governing the invalidation or cancellation of stopping, standing, or parking citations to conform to the requirements of State law, and authorizes the Director of Transportation to request the State's Attorney to nolle prosequi stopping, standing, or parking citations under certain circumstances.

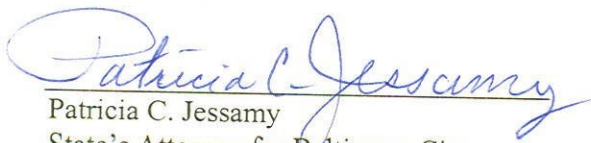
Maryland law clearly gives the OSA sole power to prosecute or refrain from prosecuting any criminal offense that occurs in Baltimore City, which includes parking violations. However, even though the Courts and the OSA, not the City, have jurisdiction regarding the prosecution and disposition of parking fines, (64 Opinions of the Attorney General 307), the OSA and The Bureau of Treasury Management entered into an agreement in 1997 to abate certain parking violations that were charged and that the State was unable to prosecute due to insufficient evidence.

This signed agreement, which is still in effect today, not only set the criteria for the parking violations eligible for declination by the OSA, but also outlined the procedures for the Department of Finance, Bureau of Revenue Collections to review and submit it's monthly declination requests to the OSA and outlined guidelines for both agencies to follow to ensure that the integrity of the process is maintained.

The procedure has proven to operate so efficiently that the OSA and the Department of Finance, Bureau of Revenue Collections are currently in negotiations to expand the criteria for declination, thereby increasing the number of cases eligible for abatement.

Although we appreciate the sponsor's intent, due to the existing agreement between the OSA and the Bureau of Revenue Collection Department of Finance for Baltimore City, which currently addresses key areas this bill would amend, the OSA declines to support Baltimore City Council Bill 09-0354.

Sincerely,


Patricia C. Jessamy
State's Attorney for Baltimore City

