

HOUSE BILL 261

E2
HB 280/19 – JUD

0lr2126
CF 0lr2127

By: **Delegate Dumais**

Introduced and read first time: January 20, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Charging Procedures and Documents – Citation**

3 FOR the purpose of modifying the circumstances under which a police officer is required to
4 charge by citation; modifying the categories of offenses for which a police officer is
5 authorized to charge by citation; modifying the circumstances under which a police
6 officer may charge a defendant by citation; and generally relating to charging
7 procedures and documents.

8 BY repealing and reenacting, without amendments,
9 Article – Criminal Procedure
10 Section 4–101(a)
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2019 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Procedure
15 Section 4–101(c)
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2019 Supplement)

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

20 **Article – Criminal Procedure**

21 4–101.

22 (a) (1) In this section the following words have the meanings indicated.

23 (2) (i) “Citation” means a written charging document that a police
24 officer or fire marshal issues to a defendant, alleging the defendant has committed a crime.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(ii) “Citation” does not include an indictment, information, or statement of charges.

(3) “Fire marshal” means:

(i) the State Fire Marshal;

(ii) a deputy State fire marshal; or

(iii) as designated under § 6–304 of the Public Safety Article:

1. an assistant State fire marshal; or

2. a special assistant State fire marshal.

(4) “Police officer” has the meaning stated in § 2–101 of this article.

(c) (1) (i) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a police officer shall charge by citation for:

1. any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment;

2. any **OTHER** misdemeanor or local ordinance violation **NOT INVOLVING SERIOUS INJURY OR AN IMMEDIATE HEALTH RISK** for which the maximum penalty of imprisonment is 90 days or less, except:

A. failure to comply with a peace order under § 3–1508 of the Courts Article;

B. failure to comply with a protective order under § 4–509 of the Family Law Article;

C. violation of a condition of pretrial or posttrial release under § 5–213.1 of this article;

D. possession of an electronic control device after conviction of a drug felony or crime of violence under § 4–109(b) of the Criminal Law Article;

E. violation of an out-of-state domestic violence order under § 4–508.1 of the Family Law Article; or

F. abuse or neglect of an animal under § 10–604 of the Criminal Law Article; or

(ii) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a police officer may charge by citation for:

2. malicious destruction of property under § 6–301 of the Criminal Law Article, if the amount of damage to the property is less than \$500; [or]

**4. POSSESSION OF A CONTROLLED DANGEROUS
SUBSTANCE OTHER THAN MARIJUANA UNDER § 5-601 OF THE CRIMINAL LAW
ARTICLE.**

(ii) the officer reasonably believes that the defendant will comply with the citation;

(iv) the defendant is not subject to arrest for another [criminal charge] **ALLEGED MISDEMEANOR INVOLVING SERIOUS INJURY OR IMMEDIATE HEALTH RISK, AN ALLEGED FELONY** arising out of the same incident, **OR AN OPEN WARRANT**; and

(ii) make the arrest and subsequently issue a citation in lieu of continued custody.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2020.