## **HOUSE BILL 261**

E2 HB 280/19 – JUD CF 0lr2127

By: Delegate Dumais

Introduced and read first time: January 20, 2020

Assigned to: Judiciary

AN ACT concerning

1

## A BILL ENTITLED

Criminal Procedure - Charging Procedures and Documents - Citation

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

BY repealing and reenacting, without amendments,

- O Auticle Original Durandens
- 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.
- (a) (1) In this section the following words have the meanings indicated.
- 23 (2) (i) "Citation" means a written charging document that a police officer or fire marshal issues to a defendant, alleging the defendant has committed a crime.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

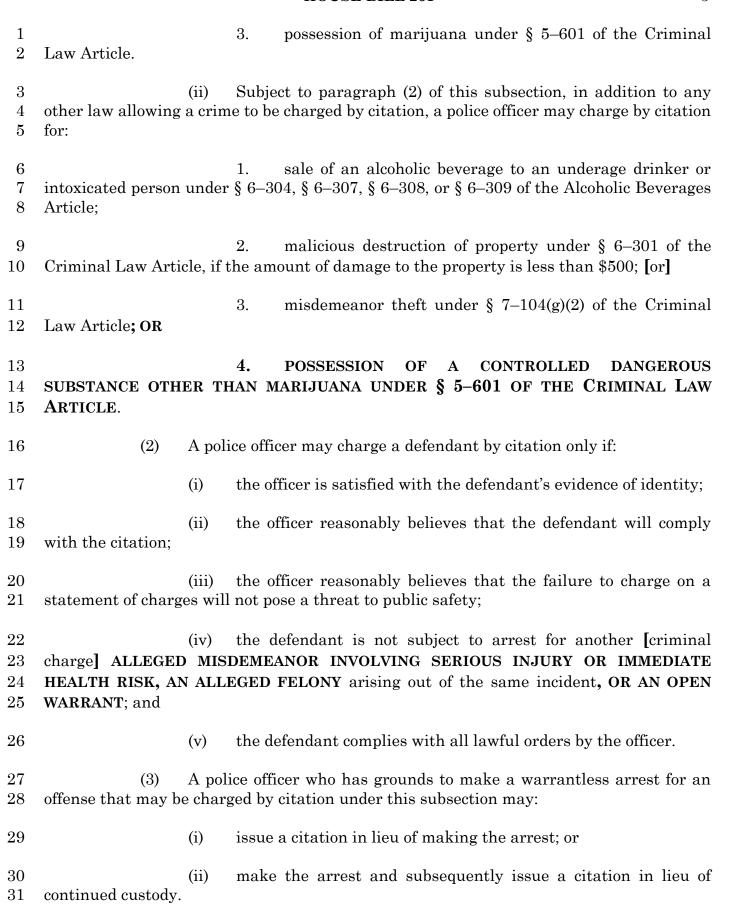
[Brackets] indicate matter deleted from existing law.



Criminal Law Article; or

29

$\frac{1}{2}$	statement of charges	ii) s.	"Citation	" does not include an indictment, information, or
3	(3) "Fire marshal" means:			
4	(	i)	the State	Fire Marshal;
5	(	ii)	a deputy	State fire marshal; or
6	(	iii)	as design	ated under § 6–304 of the Public Safety Article:
7			1. an	assistant State fire marshal; or
8			2. a s	pecial assistant State fire marshal.
9	(4) "Police officer" has the meaning stated in § 2–101 of this article.			
10 11 12	(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:			
13 14	1. any misdemeanor or local ordinance violation that doe not carry a penalty of imprisonment;			
15 16 17	2. any <b>OTHER</b> misdemeanor or local ordinance violation <b>NOT INVOLVING SERIOUS INJURY OR AN IMMEDIATE HEALTH RISK</b> for which the maximum penalty of imprisonment is 90 days or less, except:			
18 19	Courts Article;		A. fai	lure to comply with a peace order under $\S 3-1508$ of the
20 21	B. failure to comply with a protective order under 4–509 of the Family Law Article;			
22 23	under § 5–213.1 of th	nis ar		olation of a condition of pretrial or posttrial release
24 25	of a drug felony or cr			ssession of an electronic control device after conviction e under § 4–109(b) of the Criminal Law Article;
26 27	§ 4–508.1 of the Fam	nily L		olation of an out–of–state domestic violence order under e; or
28			F. ab	use or neglect of an animal under § 10-604 of the



## **HOUSE BILL 261**

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