

SENATE BILL 63

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E4

1998 Regular Session  
8lr6045

(PRE-FILED)

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By: **Chairman, Judicial Proceedings Committee (Departmental - State  
Police, Dept. of)**

Requested: October 8, 1997

Introduced and read first time: January 14, 1998

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 11, 1998

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Crimes - Charge by Citation - Fireworks Violations**

3 FOR the purpose of authorizing the sworn personnel of the Office of the State Fire  
4 Marshal to use a criminal citation for the charging of certain misdemeanor  
5 criminal offenses; defining a certain term; and generally relating to the issuance  
6 of criminal citations.

7 BY repealing and reenacting, with amendments,  
8 Article 27 - Crimes and Punishments  
9 Section 594B-2  
10 Annotated Code of Maryland  
11 (1996 Replacement Volume and 1997 Supplement)

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

14 **Article 27 - Crimes and Punishments**

15 594B-2.

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

17 (2) "Citation" means a written charging document, other than an  
18 indictment, an information, or a statement of charges, alleging that a defendant has  
19 committed an offense, issued to a defendant by a police officer OR FIRE MARSHAL.

1           (3)     "FIRE MARSHAL" MEANS THE STATE FIRE MARSHAL, A DEPUTY  
 2 STATE FIRE MARSHAL, OR AN ASSISTANT STATE FIRE MARSHAL OR SPECIAL  
 3 ASSISTANT STATE FIRE MARSHAL DESIGNATED UNDER ARTICLE 38A, § 7 OF THE  
 4 CODE.

5           ~~(3)~~   (4)     "Police officer" has the meaning stated in § 594B of this  
 6 subheading.

7           (b)     Subject to the provisions of subsection (c) of this section, in addition to any  
 8 other provision of law or rule allowing an offense to be charged by citation, the  
 9 following offenses may be charged by citation BY A POLICE OFFICER:

10           (1)     Malicious destruction of property under § 111(b) of this article, where  
 11 the amount of damage to the property is less than \$300;

12           (2)     Disturbing the peace under § 122 of this article;

13           (3)     Disorderly conduct under § 123 of this article; or

14           (4)     Misdemeanor theft, as defined under § 342(f)(2) of this article.

15           (c)     A police officer may charge a defendant with an offense specified under  
 16 subsection (b) of this section by citation if:

17           (1)     The defendant furnishes satisfactory evidence of identity; and

18           (2)     The police officer has reasonable grounds to believe that the  
 19 defendant will comply with the requirements of the citation.

20           ~~(D)~~     ~~"FIRE MARSHAL" HAS THE MEANING STATED IN ARTICLE 38A, § 7 OF THE~~  
 21 ~~CODE.~~

22           ~~(E)~~   (D)     SUBJECT TO SUBSECTION ~~(F)~~ (E) OF THIS SECTION, IN ADDITION TO  
 23 ANY OTHER LAW OR RULE ALLOWING AN OFFENSE TO BE CHARGED BY CITATION,  
 24 THE FOLLOWING OFFENSES MAY BE CHARGED BY CITATION BY A FIRE MARSHAL:

25           (1)     DISCHARGING FIREWORKS WITHOUT A PERMIT UNDER ARTICLE 38A,  
 26 § 16 OF THE CODE;

27           (2)     POSSESSING WITH INTENT TO DISCHARGE OR PERMITTING THE  
 28 DISCHARGE OF FIREWORKS UNDER ARTICLE 38A, § 16 OF THE CODE; OR

29           (3)     MAINTAINING A FIRE HAZARD UNDER ARTICLE 38A, § 9(A) OF THE  
 30 CODE.

31           ~~(F)~~   (E)     A FIRE MARSHAL MAY CHARGE A DEFENDANT WITH AN OFFENSE  
 32 SPECIFIED UNDER SUBSECTION ~~(F)~~ (D) OF THIS SECTION BY CITATION IF:

33           (1)     THE DEFENDANT FURNISHES SATISFACTORY EVIDENCE OF  
 34 IDENTITY; AND

1                   (2)       THE FIRE MARSHAL HAS REASONABLE GROUNDS TO BELIEVE THAT  
2 THE DEFENDANT WILL COMPLY WITH THE REQUIREMENTS OF THE CITATION.

3       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
4 effect October 1, 1998.