

SENATE BILL 139

Unofficial Copy
D1

2003 Regular Session
3r0806
CF 3r0805

By: **Chairman, Judicial Proceedings Committee (Maryland Judicial Conference)**

Introduced and read first time: January 24, 2003
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 19, 2003

CHAPTER 13

1 AN ACT concerning

2

Citations - Format and Printing

3 FOR the purpose of adding exceptions to the list of offenses for which the Chief Judge
4 of the District Court is required to design arrest - citation forms; ~~mandating~~
5 requiring that the Chief Judge to cause the District Court to print uniform
6 motor vehicle citation forms and certain other uniform statewide citation forms;
7 ~~mandating~~ requiring that citations for certain violations be in a format
8 prescribed by the State Court Administrator; ~~authorizing~~ requiring the State
9 Court Administrator to design a citation form for certain violations; specifying
10 certain requirements for the form of a certain citation issued to a minor;
11 requiring certain law enforcement agencies and the Office of the State Fire
12 Marshal to ~~print all~~ reimburse the District Court for printing the citation forms
13 that each requires; correcting a statutory reference; making certain stylistic
14 changes; providing for the construction of this Act; and generally relating to
15 citations.

16 BY repealing and reenacting, with amendments,
17 Article - Courts and Judicial Proceedings
18 Section 1-605(d)(7) and (8), 3-8A-33, and 13-101(d)
19 Annotated Code of Maryland
20 (2002 Replacement Volume)

21 BY adding to
22 Article - Courts and Judicial Proceedings
23 Section 1-605(d)(9)
24 Annotated Code of Maryland

1 (2002 Replacement Volume)

2 BY repealing and reenacting, without amendments,

3 Article - Criminal Law

4 Section 10-119(a)

5 Annotated Code of Maryland

6 (2002 Volume)

7 BY repealing and reenacting, with amendments,

8 Article - Criminal Law

9 Section 10-119(d)

10 Annotated Code of Maryland

11 (2002 Volume)

12 BY repealing and reenacting, with amendments,

13 Article - Criminal Procedure

14 Section 4-101(d)

15 Annotated Code of Maryland

16 (2001 Replacement Volume and 2002 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article - Transportation

19 Section 24-304(b)

20 Annotated Code of Maryland

21 (2002 Replacement Volume)

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

24 **Article - Courts and Judicial Proceedings**

25 1-605.

26 (d) In addition to the powers and duties granted and imposed in subsections
27 (a), (b), and (c) of this section, or elsewhere by law or rule, the Chief Judge of the
28 District Court shall:

29 (7) On the recommendation of the administrative judge of any district,
30 approve in writing the invalidation and destruction of certain warrants for arrest, if
31 the administrative judge certifies to the Chief Judge that:

32 (i) Each of the warrants is more than 3 years old;

33 (ii) The warrant was properly delivered to an authorized law
34 enforcement agency for execution and service, which was not effected;

1 (iii) Each of the warrants was issued by a judicial officer of the
2 District Court for:

3 1. The arrest of the defendant in order that the defendant
4 might stand trial on a misdemeanor offense;

5 2. The failure of the defendant to appear for trial for a
6 misdemeanor offense, as directed by the District Court;

7 3. The failure of the defendant to make a deferred payment
8 of a fine or costs as ordered by the District Court for a misdemeanor offense; or

9 4. A violation of a probation order of the District Court
10 entered in a misdemeanor offense; and

11 (iv) The administrative judge believes that the invalidation and
12 destruction of the arrest warrant is consistent with the ends of justice; [and]

13 (8) After consultation with police administrators and the Motor Vehicle
14 Administrator, design arrest - citation forms that shall be used by all law
15 enforcement agencies in the State when charging a person with a criminal, civil, or
16 traffic offense, excepting:

17 (I) VIOLATIONS BY JUVENILES LISTED IN § 3-8A-33(A) OF THIS
18 ARTICLE;

19 (II) violations of parking ordinances or regulations adopted under
20 [Subtitle 3 of] Title 26, SUBTITLE 3 of the Transportation Article; AND

21 (III) OTHER VIOLATIONS AS EXPRESSLY PROVIDED BY LAW; AND

22 (9) CAUSE THE DISTRICT COURT TO PRINT UNIFORM MOTOR VEHICLE
23 CITATION FORMS AND ANY OTHER UNIFORM STATEWIDE CITATION FORMS FOR
24 OFFENSES TRIABLE IN THE DISTRICT COURT.

25 3-8A-33.

26 (a) A law enforcement officer authorized to make arrests shall issue a citation
27 to a child if the officer has probable cause to believe that the child is violating:

28 (1) § 10-113, § 10-114, § 10-115, or § 10-116 of the Criminal Law Article;

29 (2) § 10-108 of the Criminal Law Article; or

30 (3) § 26-103 of the Education Article.

31 (b) A citation issued under this section shall be in a format prescribed by the
32 [Chief Judge of the District Court of Maryland] STATE COURT ADMINISTRATOR after
33 consultation with police administrators and the Motor Vehicle Administrator. [The
34 uniform motor vehicle citation form shall be printed by the District Court, and all

1 other] EACH citation [forms] shall be [printed by the law enforcement agencies of
2 the State and] signed by the issuing officer and shall contain:

3 (1) The name, address, and birth date of the child being charged with the
4 violation;

5 (2) The name and address of the child's parent or legal guardian;

6 (3) The statute allegedly violated;

7 (4) The time, place, and date of the violation;

8 (5) The driver's license number of the child, if the child possesses a
9 driver's license;

10 (6) The registration number of the motor vehicle, motorcycle, or other
11 vehicle, if applicable;

12 (7) The signature of the child; and

13 (8) The penalties which may be imposed under § 3-8A-19 of this
14 subtitle.

15 (c) A copy of the citation issued under this section shall be:

16 (1) Given to the child being charged;

17 (2) Retained by the officer issuing the citation;

18 (3) Mailed within 7 days to the child's parent or legal guardian; and

19 (4) Filed with the intake officer of the court having jurisdiction under
20 this subtitle.

21 13-101.

22 (d) The State Court Administrator, under the supervision and direction of the
23 Chief Judge of the Court of Appeals of Maryland, shall:

24 (1) Examine the state of the dockets of the courts and determine the
25 need for assistance by any court;

26 (2) Make recommendations to the Chief Judge relating to assignment of
27 judges to courts in need of assistance and carry out the directions of the Chief Judge
28 as to assignment of judges;

29 (3) Collect and compile statistical and other data, make reports of the
30 business transacted by the courts, and transmit this information to the Chief Judge in
31 order that action may be taken in respect to it;

1 (4) Prepare and submit budget estimates of State appropriations
 2 necessary for maintenance and operation of the judicial system and make
 3 recommendations in respect to it;

4 (5) Draw any requisition for payment of State money appropriated for
 5 maintenance and operation of the judicial system;

6 (6) Collect statistical and other data and make reports relating to
 7 expenditure of State and local public money for maintenance and operation of the
 8 judicial system and the offices connected to it;

9 (7) Obtain reports in accordance with law or rules the Court of Appeals
 10 or the Chief Judge adopts on cases and other judicial business in which action is
 11 delayed beyond periods of time specified by law or rules of court, and report the
 12 information to the Chief Judge;

13 (8) Formulate and submit to the Chief Judge recommendations for
 14 improvement of the judicial system;

15 (9) Make and publish an annual report of the affairs of [his] THE
 16 ADMINISTRATOR'S office;

17 (10) DESIGN A CITATION FORM FOR CITATIONS TO BE ISSUED UNDER §
 18 3-8A-33 OF THIS ARTICLE AND CITATIONS TO BE ISSUED TO A MINOR UNDER § 10-119
 19 OF THE CRIMINAL LAW ARTICLE; and

20 [(10)] (11) Perform other duties the Chief Judge assigns [to him].

21 **Article - Criminal Law**

22 10-119.

23 (a) A person who violates §§ 10-113 through 10-118 of this part shall be
 24 issued a citation under this section.

25 (d) (1) Subject to paragraph (2) of this subsection, the form of citation
 26 ISSUED TO AN ADULT shall be as prescribed by the {District Court} ~~STATE COURT~~
 27 ~~ADMINISTRATOR~~ and shall be uniform throughout the State.

28 (2) The citation ISSUED TO AN ADULT shall contain:

- 29 (i) the name and address of the person charged;
- 30 (ii) the statute allegedly violated;
- 31 (iii) the location, date, and time that the violation occurred;
- 32 (iv) the fine that may be imposed;
- 33 (v) a notice stating that prepayment of the fine is not allowed;

1 (vi) a notice that the District Court shall promptly send the person
2 charged a summons to appear for trial;

3 (vii) the signature of the person issuing the citation; and

4 (viii) a space for the person charged to sign the citation.

5 (3) THE FORM OF CITATION ISSUED TO A MINOR SHALL:

6 (I) BE PRESCRIBED BY THE STATE COURT ADMINISTRATOR;

7 (II) BE UNIFORM THROUGHOUT THE STATE; AND

8 (III) CONTAIN THE INFORMATION LISTED IN § 3-8A-33(B) OF THE
9 COURTS ARTICLE.

10 **Article - Criminal Procedure**

11 4-101.

12 (d) (1) This section does not apply to a citation that is:

13 (i) authorized for a violation of a parking ordinance or a regulation
14 adopted by a State unit or political subdivision of the State under Title 26, Subtitle 3
15 of the Transportation Article;

16 (ii) authorized by the Department of Natural Resources under §
17 1-205 of the Natural Resources Article; or

18 (iii) authorized by Baltimore City under § 16-16A (special
19 enforcement officers) of the Code of Public Local Laws of Baltimore City for violation
20 of a code, ordinance, or public local law of Baltimore City concerning building,
21 housing, health, fire, safety, zoning, or sanitation.

22 (2) [The] EXCEPT AS OTHERWISE EXPRESSLY PROVIDED BY LAW, THE
23 CHIEF JUDGE OF THE District Court shall prescribe a uniform, statewide form of a
24 citation.

25 (3) EXCEPT FOR THE UNIFORM MOTOR VEHICLE CITATION FORM, THE
26 LAW ENFORCEMENT AGENCIES OF THE STATE AND THE OFFICE OF THE STATE FIRE
27 MARSHAL SHALL ~~PRINT ALL~~ REIMBURSE THE DISTRICT COURT FOR PRINTING THE
28 CITATION FORMS THAT LAW ENFORCEMENT OFFICERS AND THE FIRE MARSHAL
29 REQUIRE.

1

Article - Transportation

2 24-304.

3 (b) The charging of a person with a violation of this subtitle shall be by means
4 of a traffic citation in the form determined under [§ 3-8A-33(b)] § 1-605(D)(8) of the
5 Courts Article.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
7 construed to prevent the use of any supplies of citation forms in existence on the
8 effective date of this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2003.