

SENATE BILL 149

E3

6lr0529
CF 6lr1812

By: **Senator Simonaire**

Introduced and read first time: January 15, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Citations for Violations**

3 FOR the purpose of adding certain offenses to the list of offenses for which a law
4 enforcement officer authorized to make arrests is required to issue a citation to a
5 child under certain circumstances; altering a certain definition; and generally
6 relating to juvenile law.

7 BY repealing and reenacting, without amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–8A–01(f), 3–8A–10(k), and 3–8A–19(e)(1)(i) and (2)
10 Annotated Code of Maryland
11 (2013 Replacement Volume and 2015 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 3–8A–01(dd) and 3–8A–33
15 Annotated Code of Maryland
16 (2013 Replacement Volume and 2015 Supplement)

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

19 **Article – Courts and Judicial Proceedings**

20 3–8A–01.

21 (f) “Citation” means the written form issued by a police officer which serves as
22 the initial pleading against a child for a violation and which is adequate process to give the
23 court jurisdiction over the person cited.

24 (dd) “Violation” means a violation for which a citation is issued under:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) § 5–601 of the Criminal Law Article involving the use or possession of
2 less than 10 grams of marijuana;

3 (2) § 10–113, § 10–114, § 10–115, or § 10–116 of the Criminal Law Article;

4 (3) § 10–108 of the Criminal Law Article;

5 (4) § 10–132 of the Criminal Law Article;

6 (5) § 10–136 of the Criminal Law Article; [or]

7 (6) § 26–103 of the Education Article;

8 (7) **§ 6–402 OR § 6–403 OF THE CRIMINAL LAW ARTICLE INVOLVING**
9 **A FIRST VIOLATION; OR**

10 (8) **§ 10–201 OF THE CRIMINAL LAW ARTICLE.**

11 3–8A–10.

12 (k) (1) If the intake officer receives a citation other than a citation authorized
13 under § 10–108 of the Criminal Law Article, the intake officer may:

14 (i) Refer the child to an alcohol or substance abuse education or
15 rehabilitation program;

16 (ii) Assign the child to a supervised work program for not more than
17 20 hours for the first violation and not more than 40 hours for the second or subsequent
18 violation;

19 (iii) Require the parent or guardian of the child to withdraw the
20 parent's or guardian's consent to the child's license to drive, and advise the Motor Vehicle
21 Administration of the withdrawal of consent; or

22 (iv) Forward the citation to the State's Attorney.

23 (2) The intake officer shall forward the citation, other than a citation
24 authorized under § 10–108 of the Criminal Law Article, to the State's Attorney if:

25 (i) The parent or guardian of the child refuses to withdraw consent
26 to the child's license to drive;

27 (ii) The child fails to comply with an alcohol or substance abuse
28 education or rehabilitation program referral; or

1 (iii) The child fails to comply with a supervised work program
2 assignment.

3 3-8A-19.

4 (e) (1) (i) Subject to the provisions of subparagraphs (iii) and (iv) of this
5 paragraph, in making a disposition on a finding that the child has committed the violation
6 specified in a citation, the court may order the Motor Vehicle Administration to initiate an
7 action, under the motor vehicle laws, to suspend the driving privilege of a child licensed to
8 operate a motor vehicle by the Motor Vehicle Administration for a specified period of not
9 less than 30 days nor more than 90 days.

10 (2) In addition to the dispositions under paragraph (1) of this subsection,
11 the court also may:

12 (i) Counsel the child or the parent or both, or order the child to
13 participate in an alcohol or a substance abuse education or rehabilitation program that is
14 in the best interest of the child;

15 (ii) Impose a civil fine of not more than \$25 for the first violation and
16 a civil fine of not more than \$100 for the second and subsequent violations; or

17 (iii) Order the child to participate in a supervised work program for
18 not more than 20 hours for the first violation and not more than 40 hours for the second
19 and subsequent violations.

20 3-8A-33.

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

23 (1) § 5-601 of the Criminal Law Article involving the use or possession of
24 less than 10 grams of marijuana;

25 (2) § 10-113, § 10-114, § 10-115, or § 10-116 of the Criminal Law Article;

26 (3) § 10-108 of the Criminal Law Article;

27 (4) § 10-132 of the Criminal Law Article;

28 (5) § 10-136 of the Criminal Law Article; [or]

29 (6) § 26-103 of the Education Article;

30 (7) **§ 6-402 OR § 6-403 OF THE CRIMINAL LAW ARTICLE INVOLVING**
31 **A FIRST VIOLATION; OR**

1 **(8) § 10–201 OF THE CRIMINAL LAW ARTICLE.**

2 (b) A citation issued under this section shall be in a format prescribed by the State
3 Court Administrator after consultation with police administrators and the Motor Vehicle
4 Administrator. Each citation shall be signed by the issuing officer and shall contain:

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

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

8 (3) The statute allegedly violated;

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

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

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

14 (7) The signature of the child; and

15 (8) The penalties which may be imposed under § 3–8A–19 of this subtitle.

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

17 (1) Given to the child being charged;

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2016.