

**Department of Legislative Services**  
Maryland General Assembly  
2016 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 149

(Senator Simonaire)

Judicial Proceedings

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**Juvenile Law - Citations for Violations**

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This bill adds to the list of offenses for which a law enforcement officer is required to issue a citation if the officer has probable cause to believe that a child has committed a violation.

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**Fiscal Summary**

**State Effect:** The bill does not materially impact the operations or finances of State law enforcement agencies, the Judiciary, or the Department of Juvenile Services.

**Local Effect:** The bill does not materially impact the workload or expenditures of circuit courts or local law enforcement agencies. Likewise, any potential minimal increase in penalty revenues from civil fines imposed in additional juvenile citation cases does not materially impact local finances.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** A law enforcement officer authorized to make arrests must issue a citation to a child if the officer has probable cause to believe that the child is committing a first violation against provisions prohibiting trespassing on posted property or wantonly trespassing on private property. A law enforcement officer must also issue a citation on probable cause that a child is violating provisions against disturbing the peace or disorderly conduct.

**Current Law:** A citation is a written form issued by a police officer which serves as the initial pleading against a child for a violation and which is adequate process to give the

court jurisdiction over the person cited. A citation must be in a format prescribed by the State Court Administrator after consultation with police administrators and the Motor Vehicle Administration (MVA). The citation must contain specified items and be signed by the issuing officer.

A law enforcement officer authorized to make arrests must issue a citation to a child if the officer has probable cause to believe that the child is violating specified offenses, including prohibitions against (1) the use or possession of less than 10 grams of marijuana; (2) consuming or possessing alcohol on public school premises; (3) using or possessing tobacco products; and (4) playing a table game or video lottery terminal in a video lottery facility.

If a juvenile intake officer receives a citation (unless the citation is for specified offenses regarding tobacco), the intake officer may (1) refer the child to an alcohol or substance abuse education or rehabilitation program; (2) assign the child to a supervised work program for up to 20 hours for a first violation and up to 40 hours for a second or subsequent violation; (3) require the parent or guardian of the child to withdraw the parent or guardian's consent to the child's license to drive and advise MVA of the withdrawal of consent; or (4) forward the citation to the State's Attorney. The intake officer must forward the citation to the State's Attorney if the parent or guardian of the child refuses to withdraw consent to the child's license to drive or if the child fails to comply with the education or rehabilitation program referral or the work program assignment.

Subject to provisions regarding specific violations, in making a disposition on a finding that a child has committed the violation specified in a citation, the juvenile court may order MVA to initiate an action to suspend the driving privilege of a child for a period of at least 30 days and up to 90 days. In addition, the court may also (1) counsel the child and/or the parent, or order the child to participate in an alcohol or substance abuse education or rehabilitation program that is in the best interest of the child; (2) impose maximum civil fines of \$25 for a first violation and \$100 for the second and subsequent violations; or (3) order the child to participate in a supervised work program for up to 20 hours for the first violation and not more than 40 hours for a second or subsequent violations.

### *Trespass*

Under the State's prohibition against trespass on posted property, a person may not enter or trespass on property that is posted conspicuously against trespass by signs placed where they reasonably may be seen or paint marks that:

- conform with applicable regulations adopted by the Department of Natural Resources; and

- are made on trees or posts that are located at each road entrance to the property and adjacent to public roadways, public waterways, and other land adjoining the property.

Under the prohibition against wanton trespass on private property, a person may not:

- enter or cross over private property or board the boat or other marine vessel of another, after having been notified by the owner or the owner's agent not to do so, unless entering or crossing under a good faith claim of right or ownership; or
- remain on private property, including the boat or other marine vessel of another, after having been notified by the owner or the owner's agent not to do so.

This prohibition also applies to property that is used as a housing project and operated by a housing authority or State public body, if an authorized agent of the housing authority or State public body gives the required notice.

#### *Disturbing the Peace and Disorderly Conduct*

A person may not willfully and without lawful purpose obstruct or hinder the free passage of another in a public place or on a public conveyance. A person is also prohibited from willfully acting in a disorderly manner that disturbs the public peace or willfully failing to obey a reasonable and lawful order that a law enforcement officer makes to prevent a disturbance to the public peace. A person who enters the land or premises of another, whether an owner or lessee, or a beach adjacent to residential riparian property may not willfully disturb the peace by making an unreasonably loud noise or acting in a disorderly manner. A person from any location may not, by making an unreasonably loud noise, willfully disturb the peace of another on the other's land or premises, in a public place, or on a public conveyance. In Worcester County, a person may not build a bonfire or allow a bonfire to burn on a beach or other property between 1 a.m. and 5 a.m.

**State/Local Fiscal Effect:** Although the bill's provisions simplify the process for law enforcement officers who encounter juveniles in violation of the above offenses by requiring citations in lieu of arrests, the bill does not materially impact the workload or finances of State or local law enforcement agencies.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Carroll, Montgomery, Queen Anne's, and St. Mary's counties; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of Juvenile Services; Department of Natural Resources; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - January 26, 2016  
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