## **HOUSE BILL 323**

E2 8lr0853 SB 477/17 – JPR CF SB 248

By: Delegate Dumais

Introduced and read first time: January 22, 2018

Assigned to: Judiciary

AN ACT concerning

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## A BILL ENTITLED

2 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.
- 8 BY repealing and reenacting, without amendments, 9 Article – Criminal Procedure
- 10 Section 4–101(a)
- 11 Annotated Code of Maryland
- 12 (2008 Replacement Volume and 2017 Supplement)
- 13 BY repealing and reenacting, with amendments,
- 14 Article Criminal Procedure
- 15 Section 4–101(c)
- 16 Annotated Code of Maryland
- 17 (2008 Replacement Volume and 2017 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.
- 22 (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.

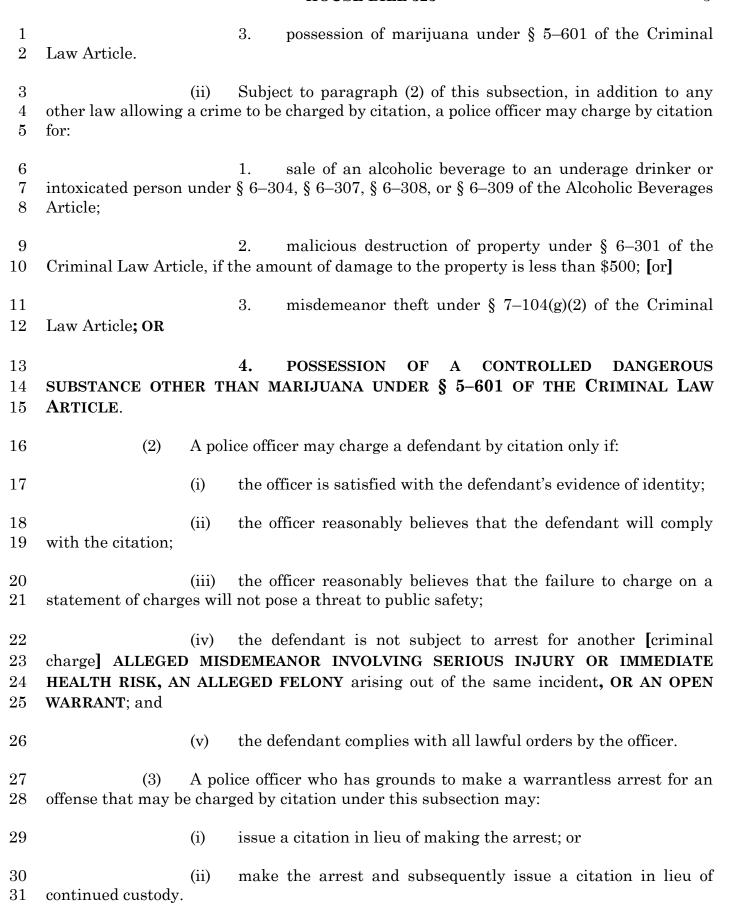
[Brackets] indicate matter deleted from existing law.



Criminal Law Article; or

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$\frac{1}{2}$	statement of charge	(ii) es.	"Cita	tion" does not include an indictment, information, or
3	(3) "Fire m			aal" means:
4		(i)	the S	tate Fire Marshal;
5		(ii)	a dep	uty State fire marshal; or
6		(iii)	as de	signated under § 6–304 of the Public Safety Article:
7			1.	an assistant State fire marshal; or
8			2.	a special 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>NOTINVOLVING 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.	failure 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	charged with a sex	ual cri	C. me ag	violation of a condition of pretrial or posttrial release while ainst a minor under $\S$ 5–213.1 of this article;
24 25	D. possession of an electronic control device after conviction of a drug felony or crime of violence under § 4–109(b) of the Criminal Law Article;			
26 27	§ 4–508.1 of the Fa	mily I	E. Law Ar	violation of an out–of–state domestic violence order under ticle; or
28		,	F.	abuse or neglect of an animal under § 10-604 of the



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SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.