

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 971

(Senator Kelley)

Judicial Proceedings

Public Safety - Maryland Police Training and Standards Commission - Citations
in Lieu of Arrest

This bill requires the Maryland Police Training and Standards Commission (MPTSC), in consultation with the Anne Arundel County Police Academy, to develop and maintain a uniform statewide training curriculum that includes role-playing exercises to ensure the use of best practices in issuance of citations in lieu of arrest.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures to the extent that MPTSC needs to hire a curriculum specialist to develop the required curriculum. Potential minimal increase in general fund expenditures for State law enforcement agencies that do not currently use best practices in the issuance of citations in lieu of arrest. Revenues are not affected.

Local Effect: Anne Arundel County can handle the bill's requirements with existing resources. Potential minimal increase in local expenditures for law enforcement agencies that do not currently use best practices in the issuance of citations in lieu of arrest. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law:

Maryland Police Training and Standards Commission: Chapter 519 of 2016 reconstituted the former Police Training Commission as MPTSC, an independent commission within the Department of Public Safety and Correctional Services. MPTSC operates approved police training schools and prescribes standards for and certifies schools that offer police and security training. In consultation and cooperation with various entities, it also sets minimum qualifications for instructors and certifies qualified instructors for approved training schools.

MPTSC certifies persons as police officers who have met commission standards, including submission to a criminal history records check and a specified psychological consultation. An individual who is not satisfactorily trained in the 12-month probationary period may not be employed as a police officer, and a police officer may not serve after certification has been revoked, suspended, or allowed to lapse.

MPTSC requirements include, among other things, for entrance-level police training and at least every three years for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application of:

- the criminal laws concerning rape and sexual offenses, including the sexual abuse and exploitation of children and related evidentiary procedures;
- the criminal laws concerning human trafficking, including services and support available to victims and the rights and appropriate treatment of victims;
- the contact with and treatment of victims of crimes and delinquent acts;
- the notices, services, support, and rights available to victims and victims' representatives under State law; and
- the notification of victims of identity fraud and related crimes of their rights under federal law.

Citation Issuance: A police officer must issue a citation for possession of marijuana or any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment or for which the maximum penalty of imprisonment is 90 days or less, except for (1) failure to comply with a peace order or protective order; (2) violation of a condition of pretrial or posttrial release while charged with a sexual crime against a minor; (3) possession of an electronic control device after conviction of a drug felony or a crime of violence; (4) violation of an out-of-state domestic violence order; or (5) abuse or neglect of an animal. A police officer may also charge by citation, as specified, for (1) the sale of an alcoholic beverage to an underage drinker or intoxicated person; (2) malicious destruction

of property valued at less than \$500; and (3) misdemeanor theft of property or services valued at less than \$1,000.

A police officer may charge a defendant by citation *only* if (1) the officer is satisfied with the defendant's evidence of identity; (2) the officer reasonably believes that the defendant will comply with the citation; (3) the officer reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety; (4) the defendant is not subject to arrest for another criminal charge arising out of the same incident; and (5) the defendant complies with all lawful orders by the officer. A police officer who has grounds to make a warrantless arrest for an offense that may be charged by citation may (1) issue a citation in lieu of making the arrest or (2) make the arrest and subsequently issue a citation in lieu of continued custody.

Additional Information

Prior Introductions: None.

Cross File: HB 1342 (Delegate Dumais) - Rules and Executive Nominations.

Information Source(s): Anne Arundel County; Department of Public Safety and Correctional Services; Department of Legislative Services

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