
By: Delegates Rosenberg, Taylor, T. Murphy, and Curran

Introduced and read first time: January 29, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Warrantless Arrests and Citations**

3 FOR the purpose of adding certain misdemeanors to the list of crimes for which certain
4 police officers may make a warrantless arrest; adding certain crimes to the list of
5 crimes for which a police officer may issue a citation under certain circumstances;
6 clarifying the circumstances for issuance of a citation; allowing a police officer who
7 makes a warrantless arrest of an individual for certain offenses to issue a citation to
8 the individual under certain circumstances; requiring a court to order a defendant
9 who is charged with certain crimes to be fingerprinted under certain circumstances;
10 providing a certain exception for the crimes which may be charged by citation;
11 providing certain exceptions to fingerprinting; and generally relating to warrantless
12 arrests and citations.

13 BY repealing and reenacting, without amendments,
14 Article 27 - Crimes and Punishments
15 Section 594B(e)
16 Annotated Code of Maryland
17 (1996 Replacement Volume)

18 BY repealing and reenacting, with amendments,
19 Article 27 - Crimes and Punishments
20 Section 594B(f), 594B-2, and 747A
21 Annotated Code of Maryland
22 (1996 Replacement Volume)

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

25 **Article 27 - Crimes and Punishments**

26 594B.

27 (e) A police officer may arrest a person without a warrant if the officer has
28 probable cause to believe:

29 (1) That an offense listed in subsection (f) of this section has been
30 committed;

2

1 (2) That the person has committed the offense; and

2 (3) That unless the person is immediately arrested:

3 (i) The person may not be apprehended;

4 (ii) The person may cause injury to the person or damage to the
5 property of one or more other persons; or

6 (iii) The person may tamper with, dispose of, or destroy evidence.

7 (f) The offenses referred to in subsection (e) of this section are:

8 (1) Those offenses specified in the following sections of Article 27, as they
9 may be amended from time to time:

10 (i) Section 8(a) (relating to malicious burning);

11 (ii) Section 36 (relating to carrying or wearing weapon);

12 (iii) Section 111 (relating to destroying, injuring, etc., property of
13 another);

14 (iv) Section 156 (relating to giving a false alarm of a fire);

15 (v) Section 287 (relating to possession of hypodermic syringes, etc.,
16 restricted);

17 (vi) Sections 342 through 344 (theft) where the value of the property
18 stolen was less than \$300;

19 (vii) Sections 276 through 302 (relating to drugs and other dangerous
20 substances) as they shall be amended from time to time;

21 (viii) Section 36B (relating to handguns);

22 (ix) Section 388 (relating to manslaughter by automobile, motorboat,
23 etc.); [and]

24 (x) Section 335A (relating to indecent exposure)[.];

25 (XI) SECTION 12A (RELATING TO ASSAULT IN THE SECOND
26 DEGREE);

27 (XII) SECTIONS 121 AND 122 (RELATING TO DISTURBING THE
28 PEACE);

29 (XIII) SECTIONS 123 THROUGH 124 (RELATING TO DISORDERLY
30 CONDUCT);

31 (XIV) SECTION 125 1/2 (RELATING TO INTERFERENCE IN ATHLETIC
32 EVENTS); AND

33 (XV) SECTIONS 576 THROUGH 580 (RELATING TO TRESPASS AND
34 RELATED OFFENSES);

3

1 (2) THE FOLLOWING OFFENSES, AS THEY MAY BE AMENDED FROM
2 TIME TO TIME:

3 (I) SECTION 26-101 OF THE EDUCATION ARTICLE (RELATING TO
4 DISTURBING ACTIVITIES AT SCHOOL OR COLLEGE); AND

5 (II) SECTION 26-102 OF THE EDUCATION ARTICLE (RELATING TO
6 TRESPASS ON THE GROUNDS OF A PUBLIC SCHOOL OR COLLEGE); AND

7 [(2)] (3) Attempts to commit the offenses specified in the following sections
8 of Article 27 as they may be amended from time to time:

9 (i) Section 8(a) (relating to malicious burning);

10 (ii) Section 111 (relating to destroying, injuring, etc., property of
11 another);

12 (iii) Sections 342 through 344 (theft) where the value of the property
13 stolen was less than \$300;

14 (iv) Section 33A (relating to breaking into a building or boat with
15 intent to steal); AND

16 (v) Sections 276 through 302 (relating to drugs and other dangerous
17 substances), as they shall be amended from time to time.

18 594B-2.

19 (a) (1) In this section the following words have the meanings indicated.

20 (2) "Citation" means a written charging document, other than an
21 indictment, an information, or a statement of charges, alleging that a defendant has
22 committed an offense, issued to a defendant by a police officer.

23 (3) "Police officer" has the meaning stated in § 594B of this subheading.

24 (b) (1) Subject to the provisions of subsection [(c)] (E) of this section, in
25 addition to any other provision of law or rule allowing an offense to be charged by
26 citation, the following offenses may be charged by citation:

27 (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
28 ASSAULT IN THE SECOND DEGREE UNDER § 12A OF THIS ARTICLE;

29 (II) PROSTITUTION, LEWDNESS, AND ASSIGNATION OFFENSES
30 UNDER § 15 OF THIS ARTICLE;

31 [(1)] (III) Malicious destruction of property under § 111(b) of this
32 article, where the amount of damage to the property is less than \$300;

33 [(2)] (IV) Disturbing the peace under § 121 OR § 122 of this article;

34 [(3)] (V) Disorderly conduct under [§ 123] §§ 123 AND 124 of this
35 article; [or]

4

1 (VI) INTERFERENCE IN ATHLETIC EVENTS UNDER § 125 1/2 OF THIS
2 ARTICLE;

3 (VII) SALE OR ISSUANCE OF BLANK OR INCORRECT AGE
4 IDENTIFICATION CARDS UNDER § 233E OF THIS ARTICLE;

5 (VIII) GAMING VIOLATIONS UNDER §§ 236 THROUGH 264A OF THIS
6 ARTICLE;

7 [(4)] (IX) Misdemeanor theft, as defined under § 342(f)(2) of this
8 article;

9 (X) LITTERING UNDER § 468 OF THIS ARTICLE;

10 (XI) TRESPASS AND RELATED OFFENSES UNDER §§ 576 THROUGH
11 580 OF THIS ARTICLE;

12 (XII) VIOLATIONS RELATING TO SECONDHAND PRECIOUS METAL
13 OBJECT DEALERS AND PAWNBROKERS UNDER §§ 12-501 AND 12-502 OF THE BUSINESS
14 REGULATION ARTICLE;

15 (XIII) DISTURBING ACTIVITIES AT SCHOOL OR COLLEGE UNDER §
16 26-101 OF THE EDUCATION ARTICLE; AND

17 (XIV) TRESPASS ON THE GROUNDS OF A PUBLIC SCHOOL OR
18 COLLEGE UNDER § 26-102 OF THE EDUCATION ARTICLE.

19 (2) IF A POLICE OFFICER MAKES A DETERMINATION UNDER § 594B(D)
20 OF THIS SUBHEADING THAT A PERSON HAS BATTERED THE PERSON'S SPOUSE OR
21 OTHER INDIVIDUAL WITH WHOM THE PERSON RESIDES AND THAT ARREST IS
22 NECESSARY, THE OFFICER MAY NOT CHARGE THE PERSON BY CITATION UNDER
23 THIS SECTION.

24 (c) [A] IF A POLICE OFFICER HAS GROUNDS TO MAKE A WARRANTLESS
25 ARREST OF AN INDIVIDUAL, INSTEAD OF MAKING AN ARREST THE police officer may
26 charge a defendant with an offense specified under subsection (b) of this section by
27 citation.

28 (D) IF A POLICE OFFICER MAKES A WARRANTLESS ARREST OF AN
29 INDIVIDUAL, INSTEAD OF CAUSING A STATEMENT OF CHARGES TO BE FILED IN THE
30 DISTRICT COURT AND HAVING THE DEFENDANT BROUGHT BEFORE A JUDICIAL
31 OFFICER OF THE DISTRICT COURT, THE OFFICER MAY CHARGE A DEFENDANT WITH
32 AN OFFENSE SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION BY CITATION.

33 (E) A POLICE OFFICER MAY CHARGE A DEFENDANT BY CITATION UNDER
34 THIS SECTION if:

35 (1) The defendant furnishes satisfactory evidence of identity; and

36 (2) The police officer has reasonable grounds to believe that the defendant
37 will comply with the requirements of the citation.

5

1 747A.

2 (a) In this section, "law enforcement agency" includes:

3 (1) A State, county, or municipal police department or agency; or

4 (2) A sheriff's office.

5 (b) (1) When a defendant is found guilty, or pleads guilty or nolo contendere to
6 an offense that is criminal history record information, as defined in § 743(e) of this
7 subtitle, and is sentenced to commitment in a local correctional facility, or receives a
8 suspended sentence, probation other than probation prior to judgment under § 641 of this
9 article, or a fine, and the defendant has not previously been fingerprinted as a result of
10 arrest for the sentenced offense, the judge imposing the sentence shall order that the
11 defendant be fingerprinted by the appropriate available law enforcement agency.

12 (2) If the fingerprinting cannot be done immediately, the judge shall order
13 that the defendant report to the designated law enforcement agency for fingerprinting
14 within 3 days after sentencing.

15 (3) If a defendant fails to report as ordered under paragraph (2) of this
16 subsection, the defendant shall be in contempt of court.

17 (c) (1) This subsection applies only to an adjudication of delinquency for a
18 child:

19 (i) Who is at least 14 years old, for an act described in § 3-804(e)(1)
20 of the Courts and Judicial Proceedings Article; or

21 (ii) Who is at least 16 years old, for an act described in § 3-804(e)(4)
22 or (5) of the Courts and Judicial Proceedings Article.

23 (2) When a child described under paragraph (1) of this subsection is
24 adjudicated delinquent by reason of an offense described in this subsection and the child
25 has not previously been fingerprinted as a result of arrest for the delinquent act, the court
26 that conducted the disposition hearing shall order that the child be fingerprinted by the
27 appropriate available law enforcement agency.

28 (3) If the fingerprinting cannot be done immediately, the court shall order
29 that the child report to the designated law enforcement agency for fingerprinting within 3
30 days after making a disposition on an adjudication of delinquency described under
31 paragraph (1) of this subsection.

32 (d) When the offense charged is one that is defined as a "petty offense" by law or
33 rule of court, the judge shall [exercise discretion as to whether] ORDER THAT the
34 defendant [shall] be fingerprinted under subsection (b) of this section UNLESS THE
35 JUDGE DETERMINES THAT:

36 (1) THE WELFARE OF THE PEOPLE OF THE STATE AND THE BEST
37 INTERESTS OF THE DEFENDANT WOULD BE SERVED BY NOT REQUIRING
38 FINGERPRINTING; OR

6

1 (2) IT WOULD OFFEND THE SENSIBILITIES TO ORDER FINGERPRINTING
2 IN THE PARTICULAR CASE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 1997.