
By: Delegates Rosenberg, Taylor, T. Murphy, and Curran ~~Curran~~ Curran, O'Donnell, Harkins, Bissett, M. Burns, Hutchins, D. Murphy, Jacobs, Watson, C. Mitchell, Kirk, Menes, Howard, Doory, Montague, and Fulton

Introduced and read first time: January 29, 1997

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 1997

CHAPTER _____

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~~ requiring the Chief Judge of the
12 District Court to establish a certain schedule of prepaid fines for persons charged by
13 citation; allowing persons who do not wish to contest guilt to prepay a fine under
14 certain circumstances; prohibiting a law enforcement officer from deviating from a
15 certain schedule of prepaid fines under certain circumstances; and generally
16 relating to warrantless arrests and citations.

17 BY repealing and reenacting, without amendments,

18 Article 27 - Crimes and Punishments

19 Section 594B(e)

20 Annotated Code of Maryland

21 (1996 Replacement Volume)

22 BY repealing and reenacting, with amendments,

23 Article 27 - Crimes and Punishments

24 Section 594B(f), ~~594B-2, and 747A~~ and 594B-2

2

1 Annotated Code of Maryland
2 (1996 Replacement Volume)

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

5 **Article 27 - Crimes and Punishments**

6 594B.

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

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

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

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

13 (i) The person may not be apprehended;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3

1 ~~(XI) SECTION 12A (RELATING TO ASSAULT IN THE SECOND~~
2 ~~DEGREE);~~

3 ~~(XII)~~ (XI) SECTIONS 121 AND 122 (RELATING TO DISTURBING THE
4 PEACE);

5 ~~(XIII)~~ (XII) SECTIONS 123 THROUGH 124 (RELATING TO
6 DISORDERLY CONDUCT);

7 ~~(XIV)~~ (XIII) SECTION 125 1/2 (RELATING TO INTERFERENCE IN
8 ATHLETIC EVENTS); AND

9 ~~(XV)~~ (XIV) SECTIONS 576 THROUGH 580 (RELATING TO TRESPASS
10 AND RELATED OFFENSES);

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

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

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

17 [(2)] (3) Attempts to commit the offenses specified in the following sections
18 of Article 27 as they may be amended from time to time:

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

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

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

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

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

28 594B-2.

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

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

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

34 (b) ~~(4)~~ Subject to the provisions of subsection [(c)] (E) of this section, in
35 addition to any other provision of law or rule allowing an offense to be charged by
36 citation, the following offenses may be charged by citation:

4

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

3 ~~(H) (1) PROSTITUTION, LEWDNESS, AND ASSIGNATION OFFENSES~~
 4 ~~UNDER § 15 OF THIS ARTICLE;~~

5 [(1)] ~~(H) (2)~~ Malicious destruction of property under § 111(b) of this
 6 article, where the amount of damage to the property is less than \$300;

7 [(2)] ~~(V) (3)~~ Disturbing the peace under § 121 OR § 122 of this
 8 article;

9 [(3)] ~~(V) (4)~~ Disorderly conduct under [§ 123] §§ 123 AND 124 of
 10 this article; [or]

11 ~~(V) (5) INTERFERENCE IN ATHLETIC EVENTS UNDER § 125 1/2 OF~~
 12 ~~THIS ARTICLE;~~

13 ~~(VII) SALE OR ISSUANCE OF BLANK OR INCORRECT AGE~~
 14 ~~IDENTIFICATION CARDS UNDER § 233E OF THIS ARTICLE;~~

15 ~~(VIII) GAMING VIOLATIONS UNDER §§ 236 THROUGH 264A OF THIS~~
 16 ~~ARTICLE;~~

17 [(4)] ~~(X) (6)~~ Misdemeanor theft, as defined under § 342(f)(2) of this
 18 article;

19 ~~(X) (7) LITTERING UNDER § 468 OF THIS ARTICLE;~~

20 ~~(X) (8) TRESPASS AND RELATED OFFENSES UNDER §§ 576~~
 21 ~~THROUGH 580 OF THIS ARTICLE;~~

22 ~~(XII) (9) VIOLATIONS RELATING TO SECONDHAND PRECIOUS~~
 23 ~~METAL OBJECT DEALERS AND PAWNBROKERS UNDER §§ 12-501 AND 12-502 OF THE~~
 24 ~~BUSINESS REGULATION ARTICLE;~~

25 ~~(XIII) (10) DISTURBING ACTIVITIES AT SCHOOL OR COLLEGE~~
 26 ~~UNDER § 26-101 OF THE EDUCATION ARTICLE; AND~~

27 ~~(XIV) (11) TRESPASS ON THE GROUNDS OF A PUBLIC SCHOOL OR~~
 28 ~~COLLEGE UNDER § 26-102 OF THE EDUCATION ARTICLE.~~

29 ~~(2) IF A POLICE OFFICER MAKES A DETERMINATION UNDER § 594B(D)~~
 30 ~~OF THIS SUBHEADING THAT A PERSON HAS BATTERED THE PERSON'S SPOUSE OR~~
 31 ~~OTHER INDIVIDUAL WITH WHOM THE PERSON RESIDES AND THAT ARREST IS~~
 32 ~~NECESSARY, THE OFFICER MAY NOT CHARGE THE PERSON BY CITATION UNDER~~
 33 ~~THIS SECTION.~~

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

5

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

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

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

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

11 ~~747A.~~

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

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

14 ~~(2) A sheriff's office.~~

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

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

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

27 (c) ~~(1) This subsection applies only to an adjudication of delinquency for a~~
 28 ~~child:~~

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

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

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

38 ~~(3) If the fingerprinting cannot be done immediately, the court shall order~~
 39 ~~that the child report to the designated law enforcement agency for fingerprinting within 3~~

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1 ~~days after making a disposition on an adjudication of delinquency described under~~
2 ~~paragraph (1) of this subsection.~~

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

7 (1) ~~THE WELFARE OF THE PEOPLE OF THE STATE AND THE BEST~~
8 ~~INTERESTS OF THE DEFENDANT WOULD BE SERVED BY NOT REQUIRING~~
9 ~~FINGERPRINTING; OR~~

10 (2) ~~IT WOULD OFFEND THE SENSIBILITIES TO ORDER FINGERPRINTING~~
11 ~~IN THE PARTICULAR CASE.~~

12 SECTION 2. AND BE IT FURTHER ENACTED, That the Chief Judge of the
13 District Court shall establish a fine or penalty deposit schedule for persons charged by
14 citation under Article 27, § 594B-2. A person charged by citation under Article 27, §
15 594B-2 may prepay the fine in the amount established in the schedule if the person does
16 not care to contest guilt in the case. A law enforcement officer may not deviate from the
17 schedule established under this section if the officer charges an individual by citation
18 under Article 27, § 594B-2.

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