

HOUSE BILL 14

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HB 543/97 - JUD

1998 Regular Session
8lr0100

(PRE-FILED)

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

Requested: July 15, 1997

Introduced and read first time: January 14, 1998

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
4 certain police officers may make a warrantless arrest; adding certain crimes to
5 the list of crimes for which a police officer may issue a citation under certain
6 circumstances; clarifying the circumstances for issuance of a citation; allowing a
7 police officer who makes a warrantless arrest of an individual for certain
8 offenses to issue a citation to the individual under certain circumstances; and
9 generally relating to warrantless arrests and citations.

10 BY repealing and reenacting, without amendments,
11 Article 27 - Crimes and Punishments
12 Section 594B(e)
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 1997 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article 27 - Crimes and Punishments
17 Section 594B(f) and 594B-2
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 1997 Supplement)

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

22 **Article 27 - Crimes and Punishments**

23 594B.

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

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

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

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

5 (i) The person may not be apprehended;

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

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

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

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

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

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

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

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

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

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

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

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

24 (ix) Section 388 (relating to manslaughter by automobile, etc.);
25 [and]

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

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

28 (XII) SECTIONS 123 THROUGH 124 (RELATING TO DISORDERLY
29 CONDUCT);

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

1 (XIV) SECTIONS 576 THROUGH 580 (RELATING TO TRESPASS AND
2 RELATED OFFENSES);

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

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

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

9 [(2)] (3) Attempts to commit the offenses specified in the following
10 sections of Article 27 as they may be amended from time to time:

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

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

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

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

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

20 594B-2.

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

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

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

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

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

31 [(1)] (2) Malicious destruction of property under § 111(b) of this article,
32 where the amount of damage to the property is less than \$300;

33 [(2)] (3) Disturbing the peace under § 121 OR § 122 of this article;

1 [(3)] (4) Disorderly conduct under [§ 123] §§ 123 AND 124 of this article;
2 [or]

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

5 [(4)] (6) Misdemeanor theft, as defined under § 342(f)(2) of this article;

6 (7) LITTERING UNDER § 468 OF THIS ARTICLE;

7 (8) TRESPASS AND RELATED OFFENSES UNDER §§ 576 THROUGH 580 OF
8 THIS ARTICLE;

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

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

14 (11) TRESPASS ON THE GROUNDS OF A PUBLIC SCHOOL OR COLLEGE
15 UNDER § 26-102 OF THE EDUCATION ARTICLE.

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

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

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

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

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

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1998.