

HOUSE BILL 14

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HB 543/97 - JUD

1998 Regular Session
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(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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 10, 1998

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

15 BY repealing and reenacting, without amendments,
16 Article 27 - Crimes and Punishments
17 Section 594B(e)
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 1997 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article 27 - Crimes and Punishments
22 Section 594B(f) and 594B-2

1 Annotated Code of Maryland
2 (1996 Replacement Volume and 1997 Supplement)

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
30 dangerous substances) as they shall be amended from time to time;

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

- 1 (ix) Section 388 (relating to manslaughter by automobile, etc.);
2 [and]
- 3 (x) Section 335A (relating to indecent exposure)[.];
- 4 (XI) SECTIONS 121 AND 122 (RELATING TO DISTURBING THE PEACE);
- 5 (XII) SECTIONS 123 THROUGH 124 (RELATING TO DISORDERLY
6 CONDUCT);
- 7 (XIII) SECTION 125 1/2 (RELATING TO INTERFERENCE IN ATHLETIC
8 EVENTS); AND
- 9 (XIV) SECTIONS 576 THROUGH 580 (RELATING TO TRESPASS AND
10 RELATED OFFENSES);

11 (2) THE FOLLOWING OFFENSES, AS THEY MAY BE AMENDED FROM TIME
12 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
18 sections 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
27 dangerous 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.

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

4 (1) PROSTITUTION, LEWDNESS, AND ASSIGNATION OFFENSES UNDER §
5 15 OF THIS ARTICLE;

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

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

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

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

13 [(4)] (6) Misdemeanor theft, as defined under § 342(f)(2) of this article;

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

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

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

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

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

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 THIS
34 SECTION if:

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

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

3 SECTION 2. AND BE IT FURTHER ENACTED, That the Chief Judge of the
4 District Court shall establish a fine or penalty deposit schedule for persons charged
5 by citation under Article 27, § 594B-2 of the Annotated Code. A person charged by
6 citation under Article 27, § 594B-2 may prepay the fine in the amount established in
7 the schedule if the person does not care to contest guilt in the case. A law enforcement
8 officer may not deviate from the schedule established under this section if the officer
9 charges an individual by citation under Article 27, § 594B-2.

10 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect October 1, 1998.