

SENATE BILL 63

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E4

1998 Regular Session
8lr6045

(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (Departmental - State
Police, Dept. of)**

Requested: October 8, 1997

Introduced and read first time: January 14, 1998

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Charge by Citation - Fireworks Violations**

3 FOR the purpose of authorizing the sworn personnel of the Office of the State Fire
4 Marshal to use a criminal citation for the charging of certain misdemeanor
5 criminal offenses; and generally relating to the issuance of criminal citations.

6 BY repealing and reenacting, with amendments,
7 Article 27 - Crimes and Punishments
8 Section 594B-2
9 Annotated Code of Maryland
10 (1996 Replacement Volume and 1997 Supplement)

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

13 **Article 27 - Crimes and Punishments**

14 594B-2.

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

16 (2) "Citation" means a written charging document, other than an
17 indictment, an information, or a statement of charges, alleging that a defendant has
18 committed an offense, issued to a defendant by a police officer OR FIRE MARSHAL.

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

20 (b) Subject to the provisions of subsection (c) of this section, in addition to any
21 other provision of law or rule allowing an offense to be charged by citation, the
22 following offenses may be charged by citation BY A POLICE OFFICER:

23 (1) Malicious destruction of property under § 111(b) of this article, where
24 the amount of damage to the property is less than \$300;

- 1 (2) Disturbing the peace under § 122 of this article;
- 2 (3) Disorderly conduct under § 123 of this article; or
- 3 (4) Misdemeanor theft, as defined under § 342(f)(2) of this article.

4 (c) A police officer may charge a defendant with an offense specified under
5 subsection (b) of this section by citation if:

- 6 (1) The defendant furnishes satisfactory evidence of identity; and
- 7 (2) The police officer has reasonable grounds to believe that the
8 defendant will comply with the requirements of the citation.

9 (D) "FIRE MARSHAL" HAS THE MEANING STATED IN ARTICLE 38A, § 7 OF THE
10 CODE.

11 (E) SUBJECT TO SUBSECTION (F) OF THIS SECTION, IN ADDITION TO ANY
12 OTHER LAW OR RULE ALLOWING AN OFFENSE TO BE CHARGED BY CITATION, THE
13 FOLLOWING OFFENSES MAY BE CHARGED BY CITATION BY A FIRE MARSHAL:

14 (1) DISCHARGING FIREWORKS WITHOUT A PERMIT UNDER ARTICLE 38A,
15 § 16 OF THE CODE;

16 (2) POSSESSING WITH INTENT TO DISCHARGE OR PERMITTING THE
17 DISCHARGE OF FIREWORKS UNDER ARTICLE 38A, § 16 OF THE CODE; OR

18 (3) MAINTAINING A FIRE HAZARD UNDER ARTICLE 38A, § 9(A) OF THE
19 CODE.

20 (F) A FIRE MARSHAL MAY CHARGE A DEFENDANT WITH AN OFFENSE
21 SPECIFIED UNDER SUBSECTION (E) OF THIS SECTION BY CITATION IF:

22 (1) THE DEFENDANT FURNISHES SATISFACTORY EVIDENCE OF
23 IDENTITY; AND

24 (2) THE FIRE MARSHAL HAS REASONABLE GROUNDS TO BELIEVE THAT
25 THE DEFENDANT WILL COMPLY WITH THE REQUIREMENTS OF THE CITATION.

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