

SENATE BILL 341

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HB 543/97 - JUD

1998 Regular Session
8lr0768

By: **Senators Conway, Hollinger, Lawlah, McFadden, and Trotter**
Introduced and read first time: February 5, 1998
Assigned to: Judicial Proceedings

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;
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
23 Annotated Code of Maryland
24 (1996 Replacement Volume and 1997 Supplement)

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

1

Article 27 - Crimes and Punishments

2 594B.

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

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

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

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

9 (i) The person may not be apprehended;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (XII) SECTIONS 123 THROUGH 124 (RELATING TO DISORDERLY
4 CONDUCT);

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

7 (XIV) SECTIONS 576 THROUGH 580 (RELATING TO TRESPASS AND
8 RELATED OFFENSES);

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

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

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

15 [(2)] (3) Attempts to commit the offenses specified in the following
16 sections of Article 27 as they may be amended from time to time:

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

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

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

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

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

26 594B-2.

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

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

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

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

1 (1) PROSTITUTION, LEWDNESS, AND ASSIGNATION OFFENSES UNDER §
2 15 OF THIS ARTICLE;

3 [(1)] (2) Malicious destruction of property under § 111(b) of this article,
4 where the amount of damage to the property is less than \$300;

5 [(2)] (3) Disturbing the peace under § 121 OR § 122 of this article;

6 [(3)] (4) Disorderly conduct under [§ 123] §§ 123 AND 124 of this article;
7 [or]

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

10 [(4)] (6) Misdemeanor theft, as defined under § 342(f)(2) of this article;

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

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

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

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

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

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

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

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

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

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

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

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 1998.