

HOUSE BILL 753

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HB 14/98 - JUD

1999 Regular Session
9lr0387
CF 9lr1234

By: **Delegates Rosenberg, Taylor, Doory, Montague, Menes, O'Donnell,
Hutchins, D. Murphy, Kirk, Howard, Fulton, and McHale**

Introduced and read first time: February 12, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Charge by Citation**

3 FOR the purpose of clarifying the circumstances for issuance of a citation; allowing a
4 police officer who makes a warrantless arrest of an individual for certain
5 offenses to issue a citation to the individual under certain circumstances;
6 making certain stylistic changes; and generally relating to citations.

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 594B-2
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1998 Supplement)

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

14 **Article 27 - Crimes and Punishments**

15 594B-2.

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

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

20 (3) "Fire marshal" means the State Fire Marshal, a Deputy State Fire
21 Marshal, or an Assistant State Fire Marshal or Special Assistant State Fire Marshal
22 designated under Article 38A, § 7 of the Code.

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

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

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

3 (2) Disturbing the peace and disorderly conduct under § 121 of this
4 article; or

5 (3) Misdemeanor theft, as defined under § 342(f)(2) of this article.

6 (C) IF A POLICE OFFICER HAS GROUNDS TO MAKE A WARRANTLESS ARREST
7 OF AN INDIVIDUAL, INSTEAD OF MAKING AN ARREST, THE POLICE OFFICER MAY
8 CHARGE A DEFENDANT WITH AN OFFENSE SPECIFIED UNDER SUBSECTION (B) OF
9 THIS SECTION BY CITATION.

10 (D) IF A POLICE OFFICER MAKES A WARRANTLESS ARREST OF AN
11 INDIVIDUAL, INSTEAD OF CAUSING A STATEMENT OF CHARGES TO BE FILED BY THE
12 DISTRICT COURT AND HAVING THE DEFENDANT BROUGHT BEFORE A JUDICIAL
13 OFFICER OF THE DISTRICT COURT, THE POLICE OFFICER MAY CHARGE A
14 DEFENDANT WITH AN OFFENSE SPECIFIED UNDER SUBSECTION (B) OF THIS
15 SECTION BY CITATION.

16 [(c)] (E) A police officer may charge a defendant with an offense specified
17 under subsection (b) of this section by citation if:

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

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

21 [(d)] (F) Subject to subsection [(e)] (G) of this section, AND in addition to any
22 other law or rule allowing an offense to be charged by citation, the following offenses
23 may be charged by citation by a fire marshal:

24 (1) Discharging fireworks without a permit under Article 38A, § 16 of the
25 Code;

26 (2) Possessing with intent to discharge or permitting the discharge of
27 fireworks under Article 38A, § 16 of the Code; or

28 (3) Maintaining a fire hazard under Article 38A, § 9(a) of the Code.

29 [(e)] (G) A fire marshal may charge a defendant with an offense specified
30 under subsection [(d)] (F) of this section by citation if:

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

32 (2) The fire marshal has reasonable grounds to believe that the
33 defendant will comply with the requirements of the citation.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 1999.