

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 1999

CHAPTER _____

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 requiring a judge to order a defendant to be fingerprinted under certain
7 circumstances; making certain stylistic changes; and generally relating to
8 citations.

9 BY repealing and reenacting, with amendments,
10 Article 27 - Crimes and Punishments
11 Section 594B-2 and 747A(d)
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1998 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article 27 - Crimes and Punishments
16 Section 747A(b)
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 1998 Supplement)

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

1

Article 27 - Crimes and Punishments

2 594B-2.

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

4 (2) "Citation" means a written charging document, other than an
5 indictment, an information, or a statement of charges, alleging that a defendant has
6 committed an offense, issued to a defendant by a police officer or fire marshal.7 (3) "Fire marshal" means the State Fire Marshal, a Deputy State Fire
8 Marshal, or an Assistant State Fire Marshal or Special Assistant State Fire Marshal
9 designated under Article 38A, § 7 of the Code.

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

11 (b) Subject to the provisions of subsection [(c)] (E) of this section, AND in
12 addition to any other provision of law or rule allowing an offense to be charged by
13 citation, the following offenses may be charged by citation by a police officer:14 (1) Malicious destruction of property under § 111 [(b)] of this article,
15 where the amount of damage to the property is less than \$300;16 (2) Disturbing the peace and disorderly conduct under § 121 of this
17 article; or

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

19 (C) IF A POLICE OFFICER HAS GROUNDS TO MAKE A WARRANTLESS ARREST
20 OF AN INDIVIDUAL, INSTEAD OF MAKING AN ARREST, THE POLICE OFFICER MAY
21 CHARGE A DEFENDANT WITH AN OFFENSE SPECIFIED UNDER SUBSECTION (B) OF
22 THIS SECTION BY CITATION.23 (D) IF A POLICE OFFICER MAKES A WARRANTLESS ARREST OF AN
24 INDIVIDUAL, INSTEAD OF CAUSING A STATEMENT OF CHARGES TO BE FILED BY THE
25 DISTRICT COURT AND HAVING THE DEFENDANT BROUGHT BEFORE A JUDICIAL
26 OFFICER OF THE DISTRICT COURT, THE POLICE OFFICER MAY CHARGE A
27 DEFENDANT WITH AN OFFENSE SPECIFIED UNDER SUBSECTION (B) OF THIS
28 SECTION BY CITATION.29 [(c)] (E) A police officer may charge a defendant with an offense specified
30 under subsection (b) of this section by citation if:

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

32 (2) The police officer has reasonable grounds to believe that the
33 defendant will comply with the requirements of the citation.34 [(d)] (F) Subject to subsection [(e)] (G) of this section, AND in addition to any
35 other law or rule allowing an offense to be charged by citation, the following offenses
36 may be charged by citation by a fire marshal:

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

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

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

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

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

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

11 747A.

12 (b) (1) When a defendant is found guilty, or pleads guilty or nolo contendere
13 to an offense that is criminal history record information, as defined in § 743(e) of this
14 subtitle, and is sentenced to commitment in a local correctional facility, or receives a
15 suspended sentence, probation other than probation prior to judgment under § 641 of
16 this article, or a fine, and the defendant has not previously been fingerprinted as a
17 result of arrest for the sentenced offense, the judge imposing the sentence shall order
18 that the defendant be fingerprinted by the appropriate available law enforcement
19 agency.

20 (2) If the fingerprinting cannot be done immediately, the judge shall
21 order that the defendant report to the designated law enforcement agency for
22 fingerprinting within 3 days after sentencing.

23 (3) If a defendant fails to report as ordered under paragraph (2) of this
24 subsection, the defendant shall be in contempt of court.

25 (d)(1) [When] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
26 WHEN the offense charged is one that is defined as a "petty offense" by law or rule of
27 court, the judge shall exercise discretion as to whether the defendant shall be
28 fingerprinted under subsection (b) of this section.

29 (2) IF A DEFENDANT IS CHARGED WITH AN OFFENSE LISTED UNDER §
30 594B-2(B) OR (F) OF THIS ARTICLE, A JUDGE SHALL ORDER THE DEFENDANT TO BE
31 FINGERPRINTED UNDER SUBSECTION (B) OF THIS SECTION.

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

