

SENATE BILL 283

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HB 753/99 - JUD

2000 Regular Session
0lr1375
CF 0lr0920

By: **Senator McFadden (Baltimore City Administration)**

Introduced and read first time: January 31, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Charge by Citation**

3 FOR the purpose of expanding the list of crimes for which a police officer may charge
4 a defendant by issuance of a citation; clarifying the circumstances for issuance of
5 a citation; allowing a police officer who makes a warrantless arrest of an
6 individual for certain offenses to issue a citation to the individual under certain
7 circumstances; requiring a judge to order a defendant to be fingerprinted under
8 certain circumstances; making certain stylistic changes; and generally relating
9 to citations.

10 BY repealing and reenacting, with amendments,
11 Article 27 - Crimes and Punishments
12 Section 594B-2 and 747A(d)
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 1999 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article 27 - Crimes and Punishments
17 Section 747A(b)
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 1999 Supplement)

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

22 **Article 27 - Crimes and Punishments**

23 594B-2.

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

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

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

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

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

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

10 (2) Disturbing the peace and disorderly conduct under § 121 of this
11 article] AN OFFENSE FOR WHICH THE PENALTY DOES NOT EXCEED IMPRISONMENT
12 FOR 1 YEAR OR A FINE OF \$1,000; or

13 [(3)] (2) Misdemeanor theft, as defined under § 342(f)(2) of this article.

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

18 (D) IF A POLICE OFFICER MAKES A WARRANTLESS ARREST OF AN
19 INDIVIDUAL, INSTEAD OF CAUSING A STATEMENT OF CHARGES TO BE FILED BY THE
20 DISTRICT COURT AND HAVING THE DEFENDANT BROUGHT BEFORE A JUDICIAL
21 OFFICER OF THE DISTRICT COURT, THE POLICE OFFICER MAY CHARGE A
22 DEFENDANT BY CITATION WITH AN OFFENSE SPECIFIED UNDER SUBSECTION (B) OF
23 THIS SECTION.

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

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

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

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

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

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

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

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

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

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

6 747A.

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

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

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

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

24 (2) IF A DEFENDANT IS FOUND GUILTY OF OR PLEADS GUILTY OR NOLO
25 CONTENDERE TO AN OFFENSE LISTED UNDER § 594B-2(B) OR (F) OF THIS ARTICLE, A
26 JUDGE SHALL ORDER THE DEFENDANT TO BE FINGERPRINTED UNDER SUBSECTION
27 (B) OF THIS SECTION.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2000.