Unofficial Copy E2 HB 753/99 - JUD 2000 Regular Session Olr1375 CF 0lr0920

By: Senator McFadden (Baltimore City Administration)

Introduced and read first time: January 31, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

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1	AN	ACT	concerning

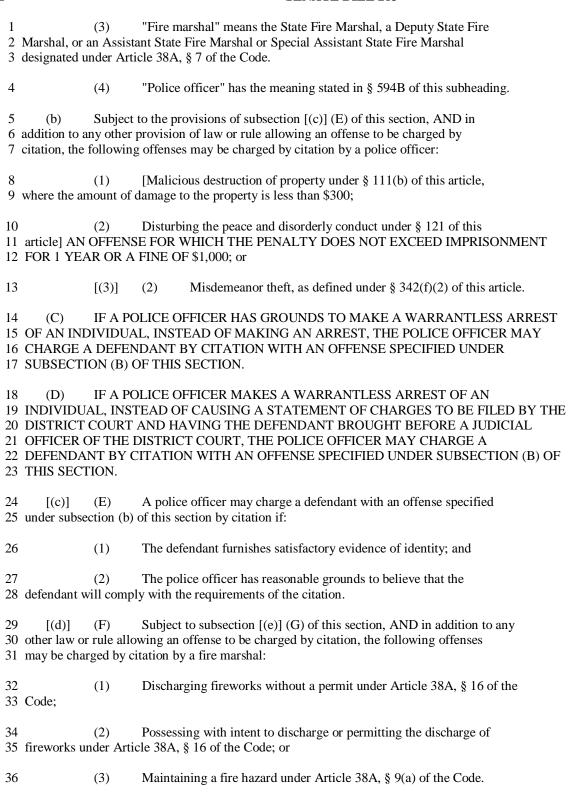
2 Criminal Procedure - Charge by Citation

- 3 FOR the purpose of expanding the list of crimes for which a police officer may charge
- a defendant by issuance of a citation; clarifying the circumstances for issuance of
- 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 "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.

SENATE BILL 283



29 October 1, 2000.

SENATE BILL 283

1 (G) A fire marshal may charge a defendant with an offense specified [(e)]2 under subsection [(d)] (F) of this section by citation if: The defendant furnishes satisfactory evidence of identity; and 3 (1) The fire marshal has reasonable grounds to believe that the (2)5 defendant will comply with the requirements of the citation. 6 747A. When a defendant is found guilty, or pleads guilty or nolo contendere 7 (b) (1) 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 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 If a defendant fails to report as ordered under paragraph (2) of this 19 subsection, the defendant shall be in contempt of court. 20 [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 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. SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 28