

SENATE BILL 139

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2003 Regular Session
3r0806
CF 3r0805

By: **Chairman, Judicial Proceedings Committee (Maryland Judicial Conference)**

Introduced and read first time: January 24, 2003

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Citations - Format and Printing**

3 FOR the purpose of adding exceptions to the list of offenses for which the Chief Judge
4 of the District Court is required to design arrest - citation forms; mandating
5 that the Chief Judge cause the District Court to print uniform motor vehicle
6 citation forms; mandating that citations for certain violations be in a format
7 prescribed by the State Court Administrator; authorizing the State Court
8 Administrator to design a citation form for certain violations; requiring law
9 enforcement agencies and the State Fire Marshal to print all citation forms that
10 each requires; correcting a statutory reference; making certain stylistic changes;
11 providing for the construction of this Act; and generally relating to citations.

12 BY repealing and reenacting, with amendments,
13 Article - Courts and Judicial Proceedings
14 Section 1-605(d)(7) and (8), 3-8A-33, and 13-101(d)
15 Annotated Code of Maryland
16 (2002 Replacement Volume)

17 BY adding to
18 Article - Courts and Judicial Proceedings
19 Section 1-605(d)(9)
20 Annotated Code of Maryland
21 (2002 Replacement Volume)

22 BY repealing and reenacting, without amendments,
23 Article - Criminal Law
24 Section 10-119(a)
25 Annotated Code of Maryland
26 (2002 Volume)

27 BY repealing and reenacting, with amendments,
28 Article - Criminal Law

1 Section 10-119(d)
2 Annotated Code of Maryland
3 (2002 Volume)

4 BY repealing and reenacting, with amendments,
5 Article - Criminal Procedure
6 Section 4-101(d)
7 Annotated Code of Maryland
8 (2001 Replacement Volume and 2002 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article - Transportation
11 Section 24-304(b)
12 Annotated Code of Maryland
13 (2002 Replacement Volume)

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

16 **Article - Courts and Judicial Proceedings**

17 1-605.

18 (d) In addition to the powers and duties granted and imposed in subsections
19 (a), (b), and (c) of this section, or elsewhere by law or rule, the Chief Judge of the
20 District Court shall:

21 (7) On the recommendation of the administrative judge of any district,
22 approve in writing the invalidation and destruction of certain warrants for arrest, if
23 the administrative judge certifies to the Chief Judge that:

24 (i) Each of the warrants is more than 3 years old;

25 (ii) The warrant was properly delivered to an authorized law
26 enforcement agency for execution and service, which was not effected;

27 (iii) Each of the warrants was issued by a judicial officer of the
28 District Court for:

29 1. The arrest of the defendant in order that the defendant
30 might stand trial on a misdemeanor offense;

31 2. The failure of the defendant to appear for trial for a
32 misdemeanor offense, as directed by the District Court;

33 3. The failure of the defendant to make a deferred payment
34 of a fine or costs as ordered by the District Court for a misdemeanor offense; or

1 (6) The registration number of the motor vehicle, motorcycle, or other
2 vehicle, if applicable;

3 (7) The signature of the child; and

4 (8) The penalties which may be imposed under § 3-8A-19 of this
5 subtitle.

6 (c) A copy of the citation issued under this section shall be:

7 (1) Given to the child being charged;

8 (2) Retained by the officer issuing the citation;

9 (3) Mailed within 7 days to the child's parent or legal guardian; and

10 (4) Filed with the intake officer of the court having jurisdiction under
11 this subtitle.

12 13-101.

13 (d) The State Court Administrator, under the supervision and direction of the
14 Chief Judge of the Court of Appeals of Maryland, shall:

15 (1) Examine the state of the dockets of the courts and determine the
16 need for assistance by any court;

17 (2) Make recommendations to the Chief Judge relating to assignment of
18 judges to courts in need of assistance and carry out the directions of the Chief Judge
19 as to assignment of judges;

20 (3) Collect and compile statistical and other data, make reports of the
21 business transacted by the courts, and transmit this information to the Chief Judge in
22 order that action may be taken in respect to it;

23 (4) Prepare and submit budget estimates of State appropriations
24 necessary for maintenance and operation of the judicial system and make
25 recommendations in respect to it;

26 (5) Draw any requisition for payment of State money appropriated for
27 maintenance and operation of the judicial system;

28 (6) Collect statistical and other data and make reports relating to
29 expenditure of State and local public money for maintenance and operation of the
30 judicial system and the offices connected to it;

31 (7) Obtain reports in accordance with law or rules the Court of Appeals
32 or the Chief Judge adopts on cases and other judicial business in which action is
33 delayed beyond periods of time specified by law or rules of court, and report the
34 information to the Chief Judge;

1 (8) Formulate and submit to the Chief Judge recommendations for
2 improvement of the judicial system;

3 (9) Make and publish an annual report of the affairs of [his] THE
4 ADMINISTRATOR'S office;

5 (10) DESIGN A CITATION FORM FOR CITATIONS TO BE ISSUED UNDER §
6 3-8A-33 OF THIS ARTICLE AND § 10-119 OF THE CRIMINAL LAW ARTICLE; and

7 [(10)] (11) Perform other duties the Chief Judge assigns [to him].

8 **Article - Criminal Law**

9 10-119.

10 (a) A person who violates §§ 10-113 through 10-118 of this part shall be
11 issued a citation under this section.

12 (d) (1) Subject to paragraph (2) of this subsection, the form of citation shall
13 be as prescribed by the [District Court] STATE COURT ADMINISTRATOR and shall be
14 uniform throughout the State.

15 (2) The citation shall contain:

16 (i) the name and address of the person charged;

17 (ii) the statute allegedly violated;

18 (iii) the location, date, and time that the violation occurred;

19 (iv) the fine that may be imposed;

20 (v) a notice stating that prepayment of the fine is not allowed;

21 (vi) a notice that the District Court shall promptly send the person
22 charged a summons to appear for trial;

23 (vii) the signature of the person issuing the citation; and

24 (viii) a space for the person charged to sign the citation.

25 **Article - Criminal Procedure**

26 4-101.

27 (d) (1) This section does not apply to a citation that is:

28 (i) authorized for a violation of a parking ordinance or a regulation
29 adopted by a State unit or political subdivision of the State under Title 26, Subtitle 3
30 of the Transportation Article;

1 (ii) authorized by the Department of Natural Resources under §
2 1-205 of the Natural Resources Article; or

3 (iii) authorized by Baltimore City under § 16-16A (special
4 enforcement officers) of the Code of Public Local Laws of Baltimore City for violation
5 of a code, ordinance, or public local law of Baltimore City concerning building,
6 housing, health, fire, safety, zoning, or sanitation.

7 (2) [The] EXCEPT AS OTHERWISE EXPRESSLY PROVIDED BY LAW, THE
8 CHIEF JUDGE OF THE District Court shall prescribe a uniform, statewide form of a
9 citation.

10 (3) EXCEPT FOR THE UNIFORM MOTOR VEHICLE CITATION FORM, THE
11 LAW ENFORCEMENT AGENCIES OF THE STATE AND THE OFFICE OF THE STATE FIRE
12 MARSHAL SHALL PRINT ALL CITATION FORMS THAT LAW ENFORCEMENT OFFICERS
13 AND THE FIRE MARSHAL REQUIRE.

14 **Article - Transportation**

15 24-304.

16 (b) The charging of a person with a violation of this subtitle shall be by means
17 of a traffic citation in the form determined under [§ 3-8A-33(b)] § 1-605(D)(8) of the
18 Courts Article.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
20 construed to prevent the use of any supplies of citation forms in existence on the
21 effective date of this Act.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2003.