

HOUSE BILL 459

D1, R7

71r0823
CF SB 587

By: **Chair, Judiciary Committee (By Request - Maryland Judicial Conference)**

Introduced and read first time: February 6, 2007

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 13, 2007

CHAPTER _____

1 AN ACT concerning

2 **District Court - Citations**

3 FOR the purpose of requiring the Chief Judge of the District Court to authorize the
4 use of a single document for issuance of certain multiple, separately numbered,
5 citations; requiring the Chief Judge of the District Court to specify certain
6 means used to execute certain citations by a police officer issuing a citation and
7 by a person to whom a citation is issued; requiring the Chief Judge of the
8 District Court to authorize certain citations to include a summons; allowing a
9 police officer to dispense with the acknowledgment of a person receiving a
10 certain citation containing a summons in accordance with certain regulations;
11 requiring a police officer to execute certain citations under penalties of perjury;
12 providing for notice of certain trial dates; repealing certain references to
13 appearance in court as specified in certain citations; repealing certain
14 requirements as to signatures; authorizing the initial filing electronically of
15 certain citations with the District Court; altering the duty of the District Court
16 with regard to providing certain traffic citation forms; providing for consultation
17 with the Chief Judge of the District Court by the Motor Vehicle Administration
18 with regard to distribution and disposition of certain citation forms; making
19 certain technical and stylistic changes; providing for the effect of this Act on

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 pending citations; and generally relating to certain citations filed with the
2 District Court.

3 BY repealing and reenacting, without amendments,
4 Article – Courts and Judicial Proceedings
5 Section 1–605(d)(4)
6 Annotated Code of Maryland
7 (2006 Replacement Volume)

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 1–605(d)(8) and (9)
11 Annotated Code of Maryland
12 (2006 Replacement Volume)

13 BY adding to
14 Article – Courts and Judicial Proceedings
15 Section 1–605(d)(9), (10), and (11) and (e)
16 Annotated Code of Maryland
17 (2006 Replacement Volume)

18 BY repealing and reenacting, with amendments,
19 Article – Criminal Procedure
20 Section 5–212
21 Annotated Code of Maryland
22 (2001 Volume and 2006 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article – Transportation
25 Section 12–104.1(b)
26 Annotated Code of Maryland
27 (2006 Replacement Volume and 2006 Supplement)

28 BY repealing and reenacting, with amendments,
29 Article – Transportation
30 Section 24–304(b), 26–201, 26–203, 26–204, 26–402, 26–407, and 26–409(a)
31 Annotated Code of Maryland
32 (2006 Replacement Volume and 2006 Supplement)

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

35 **Article – Courts and Judicial Proceedings**

1 1-605.

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

5 (4) In conjunction with the Motor Vehicle Administrator, establish
6 uniform procedures for reporting traffic cases in the District Court, including
7 procedures for promptly notifying the Motor Vehicle Administration of each citation
8 within the jurisdiction of the District Court that is issued to a minor licensed in the
9 State charging the minor with driving a motor vehicle at least 20 miles per hour above
10 the maximum lawful speed;

11 (8) After consultation with police administrators and the Motor
12 Vehicle Administrator, design arrest – citation forms that:

13 (i) Shall be used by all law enforcement agencies in the State
14 when charging a person with a criminal, civil, or traffic offense, excepting:

15 1. Violations by juveniles listed in § 3-8A-33(a) of this
16 article;

17 2. Violations of parking ordinances or regulations
18 adopted under Title 26, Subtitle 3 of the Transportation Article; and

19 3. Other violations as expressly provided by law; and

20 (ii) Shall include a line on which to add the \$7.50 surcharge
21 assessed under § 27-101.2 of the Transportation Article; [and]

22 **(9) AUTHORIZE THE USE OF A SINGLE DOCUMENT FOR ISSUANCE**
23 **OF MORE THAN ONE, SEPARATELY NUMBERED, CITATION;**

24 **(10) SPECIFY APPROPRIATE MEANS, SUCH AS A SIGNATURE ON A**
25 **CITATION, ELECTRONIC SIGNATURE, OR DATA ENCODED IN A DRIVER'S LICENSE**
26 **OR IDENTITY CARD ISSUED BY THE MOTOR VEHICLE ADMINISTRATION, TO BE**
27 **USED BY:**

28 **(I) THE POLICE OFFICER ISSUING A CITATION TO EXECUTE**
29 **IT BY CERTIFYING UNDER PENALTIES OF PERJURY THAT THE FACTS STATED IN**
30 **THE CITATION ARE TRUE; AND**

1 12-104.1.

2 (b) (1) An employee appointed under this section may issue citations to
3 the extent authorized by the Administration for violations of:

4 (i) Those provisions of Title 13 of this article relating to:

5 1. The vehicle excise tax;

6 2. Vehicle titling and registration;

7 3. Special registration plates for individuals with
8 disabilities; and

9 4. Parking permits for individuals with disabilities;

10 (ii) Those provisions of Title 17 of this article relating to
11 required security;

12 (iii) Those provisions of Title 14 of this article relating to
13 falsified, altered, or forged documents and plates;

14 (iv) Those provisions of Title 16 of this article relating to
15 unlawful application for a license and vehicle operation during periods of cancellation,
16 revocation, and suspension of a driver's license;

17 (v) Those provisions of Title 21 of this article relating to special
18 residential parking permits issued by the Administration;

19 (vi) Those provisions of §§ 15-113 and 15-113.1 of this article
20 relating to maintenance of and access to required business records;

21 (vii) Those provisions of Title 15 of this article relating to
22 unlicensed business activity; and

23 (viii) Those provisions of this title relating to the issuance of an
24 identification card.

25 (2) The issuance of citations under this section shall comply with the
26 requirements of § 26-201 of this article.

27 24-304.

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

4 26-201.

5 (a) A police officer may charge a person with a violation of any of the
6 following, if the officer has probable cause to believe that the person has committed or
7 is committing the violation:

8 (1) The Maryland Vehicle Law, including any [rule or] regulation
9 adopted under any of its provisions;

10 (2) A traffic law or ordinance of any local authority;

11 (3) Title 9, Subtitle 2 of the Tax – General Article;

12 (4) Title 9, Subtitle 3 of the Tax – General Article;

13 (5) Title 10, Subtitle 4 of the Business Regulation Article;

14 (6) § 10-323 of the Business Regulation Article; or

15 (7) § 10-323.2 of the Business Regulation Article.

16 (b) A police officer who charges a person under this section shall issue a
17 [written] traffic citation, **AND PROVIDE A COPY**, to the person charged.

18 (c) A traffic citation issued to a person under this section shall contain:

19 (1) A notice to appear in court, including a notice that, if the offense is
20 not punishable by incarceration, the person may request a hearing regarding
21 sentencing and disposition in lieu of a trial as provided in § 26-204(b)(2) of this
22 subtitle;

23 **(2) A NOTICE THAT:**

24 **(I) THE CITATION IS A SUMMONS TO APPEAR AS NOTIFIED**
25 **BY A CIRCUIT COURT OR THE DISTRICT COURT THROUGH A TRIAL NOTICE**
26 **SETTING THE DATE, TIME, AND PLACE FOR THE PERSON TO APPEAR; OR**

1 **(II) A CIRCUIT COURT OR THE DISTRICT COURT WILL ISSUE**
2 **A WRIT SETTING THE DATE, TIME, AND PLACE FOR THE PERSON TO APPEAR;**

3 ~~[(2)]~~**(3)** The name and address of the person;

4 ~~[(3)]~~**(4)** The number of the person's license to drive, if applicable;

5 ~~[(4)]~~ **(5)** The State registration number of the vehicle, if applicable;

6 ~~[(5)]~~ **(6)** The violation **OR VIOLATIONS** charged;

7 ~~[(6)~~ Unless otherwise to be determined by the court, the time when and
8 place where the person is required to appear in court;]

9 ~~(7)~~ [A statement acknowledging] **AN ACKNOWLEDGMENT OF** receipt
10 of the citation, to be [signed] **EXECUTED** by the person **AS REQUIRED UNDER**
11 **§ 1-605 OF THE COURTS ARTICLE;**

12 ~~(8)~~ [On the side of the citation to be signed by the person] **NEAR THE**
13 **ACKNOWLEDGMENT**, a clear and conspicuous statement that:

14 ~~(i)~~ [The signing] **ACKNOWLEDGMENT** of the citation by the
15 person does not constitute an admission of guilt; and

16 ~~(ii)~~ The failure to [sign] **ACKNOWLEDGE RECEIPT OF THE**
17 **CITATION** may subject the person to arrest; and

18 ~~(9)~~ Any other necessary information.

19 ~~[(d)~~ Unless the person charged demands an earlier hearing, a time specified
20 in the notice to appear shall be at least 5 days after the alleged violation.

21 ~~(e)~~ A place specified in the notice to appear shall be before a judge of the
22 District Court, as specified in § 26-401 of this title.]

23 ~~[(f)]~~ **(D)** [An] **A POLICE** officer who discovers a vehicle stopped, standing,
24 or parked in violation of § 21-1003 of this article shall:

25 ~~(1)~~ Deliver a **COPY OF A** citation to the driver or, if the vehicle is
26 unattended, attach a **COPY OF A** citation to the vehicle in a conspicuous place; and

1 (2) Keep a **WRITTEN OR ELECTRONIC** copy of the citation, bearing
2 [his] **THE POLICE OFFICER'S** certification under penalty of perjury that the facts
3 stated in the citation are true.

4 [(g)] **(E)** (1) A [law enforcement] **POLICE** officer who discovers a motor
5 vehicle parked in violation of § 13-402 of this article shall:

6 (i) Deliver a **COPY OF A** citation to the driver or, if the motor
7 vehicle is unattended, attach a **COPY OF A** citation to the motor vehicle in a
8 conspicuous place; and

9 (ii) Keep a **WRITTEN OR ELECTRONIC** copy of the citation,
10 bearing the law enforcement officer's certification under penalty of perjury that the
11 facts stated in the citation are true.

12 (2) In the absence of the driver, the owner of the motor vehicle is
13 presumed to be the person receiving the **COPY OF A** citation or warning.

14 26-203.

15 (a) This section applies to all traffic citations issued under this subtitle,
16 unless:

17 (1) The person otherwise is being arrested under § 26-202(a)(1), (2),
18 (3), or (4) of this subtitle;

19 (2) The person is incapacitated or otherwise unable to comply with the
20 provisions of this section;

21 (3) The citation is being issued to an unattended vehicle in violation of
22 § 21-1003 of this article; or

23 (4) The citation is being issued to an unattended motor vehicle in
24 violation of § 13-402 of this article.

25 (b) On issuing a traffic citation, the police officer [shall request the person to
26 sign the statement on the citation acknowledging its receipt.]:

27 (1) **SHALL ASK THE PERSON TO ACKNOWLEDGE RECEIPT OF A**
28 **COPY OF THE CITATION, AS REQUIRED UNDER § 1-605 OF THE COURTS**
29 **ARTICLE; AND**

1 (2) If the person refuses to [sign, the police officer] **DO SO**, shall advise
2 the person that failure to [sign] **ACKNOWLEDGE RECEIPT** may lead to the person's
3 arrest.

4 (c) (1) On being advised that failure to [sign] **ACKNOWLEDGE RECEIPT**
5 **OF A COPY OF A CITATION** may lead to [his] arrest, the person may not refuse to
6 [sign] **ACKNOWLEDGE RECEIPT**.

7 (2) If the person continues to refuse to [sign] **DO SO**, the police officer
8 may arrest the person for violation of this section or, as provided in § 26–202(a)(5) of
9 this subtitle, for the original charge, or both.

10 26–204.

11 (a) (1) A person shall comply with the notice to appear contained[:

12 (1) In a traffic citation issued to the person under this subtitle; or

13 (2) In a summons, other writ,] **IN A WRIT** or a trial notice issued by
14 either the District Court or a circuit court in an action on a traffic citation.

15 (2) **UNLESS THE PERSON CHARGED DEMANDS AN EARLIER**
16 **HEARING, A TIME SPECIFIED TO APPEAR SHALL BE AT LEAST 5 DAYS AFTER THE**
17 **ALLEGED VIOLATION.**

18 (b) (1) For purposes of this section, the person may comply with the notice
19 to appear by:

20 (i) Appearance in person;

21 (ii) Appearance by counsel; or

22 (iii) Payment of the fine **FOR A PARTICULAR OFFENSE**, if
23 provided for in the citation **FOR THAT OFFENSE**.

24 (2) (i) Subject to the provisions of subparagraph (iii) of this
25 paragraph, a person who intends to comply with the notice to appear contained in a
26 traffic citation by appearance in person or by counsel may return a copy of the citation
27 to the District Court within the time allowed for payment of the fine indicating in the
28 appropriate space on the citation that the person:

1 1. Does not dispute the truth of the facts as alleged in
2 the citation; and

3 2. Requests, in lieu of a trial, a hearing before the Court
4 regarding sentencing and disposition.

5 (ii) A person who requests a hearing under the provisions of
6 subparagraph (i) of this paragraph waives:

7 1. Any right to a trial of the facts as alleged in the
8 citation; and

9 2. Any right to compel the appearance of the [law
10 enforcement] **POLICE** officer who issued the citation.

11 (iii) A person may request a hearing under the provisions of
12 subparagraph (i) of this paragraph only if the traffic citation is for an offense that is
13 not punishable by incarceration.

14 (c) If a person fails to comply with the notice to appear, the District Court or
15 a circuit court may:

16 (1) Except as provided in subsection (f) of this section, issue a warrant
17 for the person’s arrest; or

18 (2) After 5 days, notify the Administration of the person’s
19 noncompliance.

20 (d) On receipt of a notice of noncompliance from the District Court or a
21 circuit court, the Administration shall notify the person that the person’s driving
22 privileges shall be suspended unless, by the end of the 15th day after the date on
23 which the notice is mailed, the person:

24 (1) Pays the fine on the original charge as provided for in the original
25 citations; or

26 (2) Posts bond or a penalty deposit and requests a new date for a trial
27 or a hearing on sentencing and disposition.

28 (e) If a person fails to pay the fine or post the bond or penalty deposit under
29 subsection (d) of this section, the Administration may suspend the driving privileges of
30 the person.

1 (f) When the offense is not punishable by incarceration, if the court notifies
2 the Administration of the person's noncompliance under subsection (c) of this section,
3 a warrant may not be issued for the person under this section until 20 days after the
4 original trial date.

5 (g) With the cooperation of the District Court and circuit courts, the
6 Administration shall develop procedures to carry out those provisions of this section
7 that relate to the suspension of driving privileges.

8 26-402.

9 (a) This section does not apply if the alleged offense is any of the offenses
10 enumerated in § 26-202(a)(3)(i), (ii), (iii), and (iv) of this title.

11 (b) If a police officer arrests a person and takes [him] **THE PERSON** before a
12 District Court commissioner as provided in this title, the person shall be released on
13 issuance of a [written] citation if:

14 (1) A commissioner is not available;

15 (2) A judge, clerk, or other public officer, authorized to accept bail for
16 the court is not available; and

17 (3) The person charged gives [his] **THE PERSON'S** written promise to
18 appear in court.

19 26-407.

20 (a) This section does not affect or modify the procedures established under
21 Subtitle 3 of this title as to violations of parking ordinances or regulations adopted
22 under that subtitle.

23 (b) Each police officer who issues a traffic citation to an alleged violator of
24 any State or local law [shall]:

25 (1) [File the original] **SHALL FILE AN ELECTRONIC OR WRITTEN**
26 copy of the citation promptly with the District Court; [and]

27 (2) **IF THE PERSON CHARGED ACKNOWLEDGES RECEIPT ON A**
28 **WRITTEN COPY OF THE CITATION, SHALL KEEP THAT COPY TO PRODUCE AS**
29 **EVIDENCE IN COURT IF REQUIRED; AND**

1 [(2)] **(3)** [Dispose] **SHALL DISPOSE** of the other copies of the citation
2 in accordance with the [rules and] regulations adopted by the Administration.

3 (c) After the [original] copy of a traffic citation is filed with the District
4 Court, the citation may be disposed of only by:

5 (1) Trial, dismissal of the charges, or other official action by a judge of
6 the court;

7 (2) Forfeiture of the collateral, if authorized by the court; or

8 (3) Payment of a fine by the person to whom the traffic citation has
9 been issued.

10 (d) This section does not prohibit the entry of a “nol pros” or “stet”.

11 (e) For each traffic citation issued by a police officer under [his] **THE**
12 **POLICE OFFICER’S** jurisdiction, the chief executive officer of each traffic enforcement
13 agency shall keep a record of the disposition of the charge by the District Court.

14 (f) (1) Subject to the requirements of this section **AND IN**
15 **CONSULTATION WITH THE CHIEF JUDGE OF THE DISTRICT COURT**, the
16 Administration shall adopt [rules and] regulations:

17 (i) To govern the distribution and disposition of **WRITTEN AND**
18 **ELECTRONIC** traffic citation forms; and

19 (ii) To specify the records and reports required to be made of the
20 disposition of charges.

21 (2) These [rules and] regulations apply to each traffic enforcement
22 agency and police officer with authority to issue traffic citations for a violation of a
23 State or local law.

24 (3) Each police officer and the chief executive officer of each traffic
25 enforcement agency shall make the records and reports required by these [rules and]
26 regulations.

27 (g) (1) No police officer or other public employee may dispose of a traffic
28 citation, its copies, or the record of the issuance of a traffic citation in any manner

1 other than as required by this section and the [rules and] regulations adopted by the
2 Administration.

3 (2) In addition to being unlawful, a violation of this subsection
4 constitutes official misconduct.

5 26–409.

6 (a) The form of traffic citation provided for under [§ 1–605(d)(8)] § **1–605** of
7 the Courts Article is a sufficient charging document for the prosecution of any offense
8 for which a traffic citation may be issued under this title if:

9 (1) It includes the information required under the laws of this State;

10 (2) It is [signed] **EXECUTED** by the police officer issuing the citation
11 **AS REQUIRED UNDER § 1–605 OF THE COURTS ARTICLE**; and

12 (3) It is filed with the District Court **AS REQUIRED UNDER § 1–605**
13 **OF THE COURTS ARTICLE**.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act has no effect on
15 any citation issued before the effective date of this Act.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.