

CHAPTER 605

(House Bill 459)

AN ACT concerning

District Court – Citations

FOR the purpose of requiring the Chief Judge of the District Court to authorize the use of a single document for issuance of certain multiple, separately numbered, citations; requiring the Chief Judge of the District Court to specify certain means used to execute certain citations by a police officer issuing a citation and by a person to whom a citation is issued; requiring the Chief Judge of the District Court to authorize certain citations to include a summons; allowing a police officer to dispense with the acknowledgment of a person receiving a certain citation containing a summons in accordance with certain regulations; requiring a police officer to execute certain citations under penalties of perjury; providing for notice of certain trial dates; repealing certain references to appearance in court as specified in certain citations; repealing certain requirements as to signatures; authorizing the initial filing electronically of certain citations with the District Court; altering the duty of the District Court with regard to providing certain traffic citation forms; providing for consultation with the Chief Judge of the District Court by the Motor Vehicle Administration with regard to distribution and disposition of certain citation forms; making certain technical and stylistic changes; providing for the effect of this Act on pending citations; and generally relating to certain citations filed with the District Court.

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

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

BY adding to

Article – Courts and Judicial Proceedings
Section 1–605(d)(9), (10), and (11) and (e)
Annotated Code of Maryland
(2006 Replacement Volume)

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

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

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

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

Article – Courts and Judicial Proceedings

1–605.

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

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

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

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

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

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

3. Other violations as expressly provided by law; and

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

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

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

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

(II) THE PERSON TO WHOM A CITATION IS BEING ISSUED TO ACKNOWLEDGE ITS RECEIPT;

(11) AUTHORIZE A CITATION TO INCLUDE A SUMMONS TO APPEAR; AND

[9] (12) Cause the District Court to print OR OTHERWISE MAKE AVAILABLE uniform motor vehicle citation forms and any other uniform statewide citation forms for offenses triable in the District Court.

(E) NOTWITHSTANDING ANY PROVISION OF THE TRANSPORTATION ARTICLE, A POLICE OFFICER MAY DISPENSE WITH THE ACKNOWLEDGMENT OF A

PERSON RECEIVING A CITATION THAT CONTAINS A SUMMONS AS PROVIDED IN SUBSECTION (D)(11) OF THIS SECTION AND REGULATIONS ADOPTED BY THE POLICE OFFICER'S AGENCY.

Article – Criminal Procedure

5–212.

(a) This section does not apply to a citation:

(1) for a violation of a parking ordinance or regulation adopted under Title 26, Subtitle 3 of the Transportation Article;

(2) adopted by the Chief Judge of the District Court under [§ 1–605(d)(8)] § **1–605(D)** of the Courts Article, for use in traffic offenses; or

(3) issued by a Natural Resources police officer under § 1–205 of the Natural Resources Article.

(b) A bench warrant may be issued for the arrest of a defendant who fails to appear in court in response to a citation.

(c) A person who fails to appear in court in response to a citation is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 90 days or both.

Article – Transportation

12–104.1.

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

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

1. The vehicle excise tax;
2. Vehicle titling and registration;
3. Special registration plates for individuals with disabilities; and

4. Parking permits for individuals with disabilities;

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

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

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

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

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

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

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

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

24–304.

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

26–201.

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

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

- (2) A traffic law or ordinance of any local authority;
- (3) Title 9, Subtitle 2 of the Tax – General Article;
- (4) Title 9, Subtitle 3 of the Tax – General Article;
- (5) Title 10, Subtitle 4 of the Business Regulation Article;
- (6) § 10–323 of the Business Regulation Article; or
- (7) § 10–323.2 of the Business Regulation Article.

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

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

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

(2) A NOTICE THAT:

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

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

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

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

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

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

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

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

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

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

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

(9) Any other necessary information.

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

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

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

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

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

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

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

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

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

26-203.

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

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

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

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

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

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

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

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

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

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

26–204.

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

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

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

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

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

(i) Appearance in person;

(ii) Appearance by counsel; or

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

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

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

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

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

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

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

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

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

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

(2) After 5 days, notify the Administration of the person's noncompliance.

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

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

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

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

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

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

26-402.

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

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

(1) A commissioner is not available;

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

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

26-407.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) (1) No police officer or other public employee may dispose of a traffic citation, its copies, or the record of the issuance of a traffic citation in any manner other than as required by this section and the [rules and] regulations adopted by the Administration.

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

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

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

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

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

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

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

Approved by the Governor, May 17, 2007.