

# HOUSE BILL 531

E2

8lr1182

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By: **Delegate Dumais**

Introduced and read first time: January 31, 2008

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Catastrophic Health Emergencies – Quarantine Orders – Arrest Without**  
3 **Warrant and Citations**

4 FOR the purpose of authorizing an arrest without a warrant for failing to comply with  
5 a certain health emergency quarantine order; authorizing a police officer to  
6 issue a citation for failing to comply with a certain health emergency quarantine  
7 order; and generally relating to catastrophic health emergency quarantine  
8 orders and arrests without warrants and citations.

9 BY repealing and reenacting, with amendments,  
10 Article – Criminal Procedure  
11 Section 2–203 and 4–101  
12 Annotated Code of Maryland  
13 (2001 Volume and 2007 Supplement)

14 BY repealing and reenacting, without amendments,  
15 Article – Public Safety  
16 Section 14–3A–08  
17 Annotated Code of Maryland  
18 (2003 Volume and 2007 Supplement)

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

21 **Article – Criminal Procedure**

22 2–203.

23 (a) A police officer without a warrant may arrest a person if the police officer  
24 has probable cause to believe:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) that the person has committed a crime listed in subsection (b) of  
2 this section; and

3 (2) that unless the person is arrested immediately, the person:

4 (i) may not be apprehended;

5 (ii) may cause physical injury or property damage to another; or

6 (iii) may tamper with, dispose of, or destroy evidence.

7 (b) The crimes referred to in subsection (a)(1) of this section are:

8 (1) manslaughter by vehicle or vessel under § 2–209 of the Criminal  
9 Law Article;

10 (2) malicious burning under § 6–104 or § 6–105 of the Criminal Law  
11 Article or an attempt to commit the crime;

12 (3) malicious mischief under § 6–301 of the Criminal Law Article or an  
13 attempt to commit the crime;

14 (4) a theft crime where the value of the property or services stolen is  
15 less than \$500 under § 7–104 or § 7–105 of the Criminal Law Article or an attempt to  
16 commit the crime;

17 (5) the crime of giving or causing to be given a false alarm of fire  
18 under § 9–604 of the Criminal Law Article;

19 (6) indecent exposure under § 11–107 of the Criminal Law Article;

20 (7) a crime that relates to controlled dangerous substances under Title  
21 5 of the Criminal Law Article or an attempt to commit the crime;

22 (8) the wearing, carrying, or transporting of a handgun under § 4–203  
23 or § 4–204 of the Criminal Law Article;

24 (9) carrying or wearing a concealed weapon under § 4–101 of the  
25 Criminal Law Article; [and]

26 (10) prostitution and related crimes under Title 11, Subtitle 3 of the  
27 Criminal Law Article; **AND**

28 **(11) THE CRIME OF FAILING TO COMPLY WITH A HEALTH**  
29 **EMERGENCY ISOLATION AND QUARANTINE ORDER, REQUIREMENT, OR**  
30 **DIRECTIVE UNDER § 14–3A–08 OF THE PUBLIC SAFETY ARTICLE.**

1 4–101.

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

3 (2) (i) “Citation” means a written charging document that a police  
4 officer or fire marshal issues to a defendant, alleging the defendant has committed a  
5 crime.

6 (ii) “Citation” does not include an indictment, information, or  
7 statement of charges.

8 (3) “Fire marshal” means:

9 (i) the State Fire Marshal;

10 (ii) a deputy State fire marshal; or

11 (iii) as designated under § 6–304 of the Public Safety Article:

12 1. an assistant State fire marshal; or

13 2. a special assistant State fire marshal.

14 (4) “Police officer” has the meaning stated in § 2–101 of this article.

15 (b) Within areas of the National Park System, a United States Park Police  
16 officer may exercise the authority of a police officer to issue a citation under this  
17 section.

18 (c) (1) Subject to paragraph (2) of this subsection, in addition to any other  
19 law allowing a crime to be charged by citation, a police officer may issue a citation for:

20 (i) sale of an alcoholic beverage to an underage drinker or  
21 intoxicated person under Article 2B, § 12–108 of the Code;

22 (ii) malicious destruction of property under § 6–301 of the  
23 Criminal Law Article, if the amount of damage to the property is less than \$500;

24 (iii) disturbing the peace or disorderly conduct under § 10–201 of  
25 the Criminal Law Article; [or]

26 (iv) misdemeanor theft under § 7–104(g)(2) or (3) of the Criminal  
27 Law Article; **OR**

28 **(V) FAILING TO COMPLY WITH A HEALTH EMERGENCY**  
29 **ISOLATION AND QUARANTINE ORDER, REQUIREMENT, OR DIRECTIVE UNDER §**  
30 **14–3A–08 OF THE PUBLIC SAFETY ARTICLE.**



1           (a)    A person may not knowingly and willfully fail to comply with an order,  
2 requirement, or directive issued under this subtitle.

3           (b)    A person who violates subsection (a) of this section is guilty of a  
4 misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a  
5 fine not exceeding \$5,000 or both.

6           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2008.