

HOUSE BILL 531

E2

8lr1182
CF SB 917

By: **Delegate Dumais**

Introduced and read first time: January 31, 2008

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2008

CHAPTER _____

1 AN ACT concerning

2 **Catastrophic Health Emergencies — Quarantine Emergency Orders — Arrest**
3 **~~Without 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 – Health – General
16 Section 18-907(a)
17 Annotated Code of Maryland
18 (2005 Replacement Volume and 2007 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Public Safety
21 Section 14-3A-08
22 Annotated Code of Maryland
23 (2003 Volume and 2007 Supplement)

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

3 **Article - Criminal Procedure**

4 ~~2-203.~~

5 (a) ~~A police officer without a warrant may arrest a person if the police officer~~
6 ~~has probable cause to believe:~~

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

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

10 (i) ~~may not be apprehended;~~

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

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

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

14 (1) ~~manslaughter by vehicle or vessel under § 2-209 of the Criminal~~
15 ~~Law Article;~~

16 (2) ~~malicious burning under § 6-104 or § 6-105 of the Criminal Law~~
17 ~~Article or an attempt to commit the crime;~~

18 (3) ~~malicious mischief under § 6-301 of the Criminal Law Article or an~~
19 ~~attempt to commit the crime;~~

20 (4) ~~a theft crime where the value of the property or services stolen is~~
21 ~~less than \$500 under § 7-104 or § 7-105 of the Criminal Law Article or an attempt to~~
22 ~~commit the crime;~~

23 (5) ~~the crime of giving or causing to be given a false alarm of fire~~
24 ~~under § 9-604 of the Criminal Law Article;~~

25 (6) ~~indecent exposure under § 11-107 of the Criminal Law Article;~~

26 (7) ~~a crime that relates to controlled dangerous substances under Title~~
27 ~~5 of the Criminal Law Article or an attempt to commit the crime;~~

28 (8) ~~the wearing, carrying, or transporting of a handgun under § 4-203~~
29 ~~or § 4-204 of the Criminal Law Article;~~

1 ~~(9) carrying or wearing a concealed weapon under § 4-101 of the~~
2 ~~Criminal Law Article; [and]~~

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

5 ~~(11) THE CRIME OF FAILING TO COMPLY WITH A HEALTH~~
6 ~~EMERGENCY ISOLATION AND QUARANTINE ORDER, REQUIREMENT, OR~~
7 ~~DIRECTIVE UNDER § 14-3A-08 OF THE PUBLIC SAFETY ARTICLE.~~

8 4-101.

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

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

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

15 (3) “Fire marshal” means:

16 (i) the State Fire Marshal;

17 (ii) a deputy State fire marshal; or

18 (iii) as designated under § 6-304 of the Public Safety Article:

19 1. an assistant State fire marshal; or

20 2. a special assistant State fire marshal.

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

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

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

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

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

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

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

5 (v) **FAILING TO COMPLY WITH A HEALTH EMERGENCY**
6 **EXAMINATION, TESTING, VACCINATION, TREATMENT, ISOLATION ~~AND~~, OR**
7 **QUARANTINE ORDER, REQUIREMENT, OR DIRECTIVE UNDER § 18–907(A) OF THE**
8 **HEALTH – GENERAL ARTICLE OR § 14–3A–08 OF THE PUBLIC SAFETY**
9 **ARTICLE.**

10 (2) A police officer may issue a citation to a defendant if the officer is
11 satisfied with the defendant’s evidence of identity and reasonably believes that the
12 defendant will comply with the citation.

13 (d) (1) Subject to paragraph (2) of this subsection, in addition to any other
14 law allowing a crime to be charged by citation, a fire marshal may issue a citation for:

15 (i) discharging fireworks without a permit under § 10–104 or §
16 10–110 of the Public Safety Article;

17 (ii) possessing with intent to discharge or allowing the discharge
18 of fireworks under § 10–104 or § 10–110 of the Public Safety Article; or

19 (iii) maintaining a fire hazard under § 6–317 of the Public Safety
20 Article.

21 (2) A fire marshal may issue a citation if the fire marshal is satisfied
22 with the defendant’s evidence of identity and reasonably believes that the defendant
23 will comply with the citation.

24 (e) (1) This section does not apply to a citation that is:

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

28 (ii) authorized by the Department of Natural Resources under §
29 1–205 of the Natural Resources Article; or

30 (iii) authorized by Baltimore City under § 16–16A (special
31 enforcement officers) of the Code of Public Local Laws of Baltimore City for violation of
32 a code, ordinance, or public local law of Baltimore City concerning building, housing,
33 health, fire, safety, zoning, or sanitation.

1 (2) Except as otherwise expressly provided by law, the Chief Judge of
2 the District Court shall prescribe a uniform, statewide form of a citation.

3 (3) Except for the uniform motor vehicle citation form, the law
4 enforcement agencies of the State, the United States Park Police, and the Office of the
5 State Fire Marshal shall reimburse the District Court for printing the citation forms
6 that law enforcement officers and the State Fire Marshal require.

7 **Article - Health - General**

8 18-907.

9 (a) (1) A person may not knowingly and willfully fail to comply with any
10 order, regulation, or directive issued in accordance with § 18-905 of this subtitle.

11 (2) A person who violates paragraph (1) of this subsection is guilty of a
12 misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a
13 fine not exceeding \$3,000 or both.

14 **Article - Public Safety**

15 14-3A-08.

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.