

SENATE BILL 917

E2

8lr3334
CF HB 531

By: **Senator Forehand**

Introduced and read first time: February 20, 2008

Assigned to: Rules

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:

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

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

6 (i) discharging fireworks without a permit under § 10–104 or §
7 10–110 of the Public Safety Article;

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

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

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

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

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

19 (ii) authorized by the Department of Natural Resources under §
20 1–205 of the Natural Resources Article; or

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

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

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

31 **Article – Public Safety**

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.