

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

Senate Bill 917

(Senator Forehand)

Judicial Proceedings

**Catastrophic Health Emergencies - Quarantine Orders - Arrest Without
Warrant and Citations**

This bill authorizes an arrest without a warrant for failing to comply with a lawful health emergency isolation and quarantine order, requirement, or directive and authorizes a police officer to issue a citation for a failure to comply with such an order, requirement, or directive.

Fiscal Summary

State Effect: Any additional citations, warrantless arrests, or convictions resulting from the bill are not expected to significantly affect the overall operations or finances of any State law enforcement agency or the District Court.

Local Effect: Any additional citations, warrantless arrests, or convictions resulting from the bill are not expected to significantly affect the overall operations or finances of any local law enforcement agency or the circuit courts.

Small Business Effect: None.

Analysis

Current Law: Under provisions relating to the Governor's health emergency powers in the Public Safety Article, a person may not knowingly and willfully fail to comply with an order, requirement, or directive issued. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for one year and/or a fine of \$5,000.

A police officer may make a warrantless arrest if the officer has probable cause to believe that the person has committed one of enumerated crimes and, that unless the person is arrested immediately, the person may not be apprehended, may cause physical injury or property damage to another, or may tamper with, dispose of, or destroy evidence.

In addition to any other law allowing a crime to be charged by citation, a police officer may issue a citation for:

- sale of an alcoholic beverage to an underage or intoxicated person;
- malicious destruction of property, if the amount of property damage is less than \$500;
- disturbing the peace or disorderly conduct; or
- misdemeanor theft.

Additional Information

Prior Introductions: None.

Cross File: HB 531 (Delegate Dumais) - Judiciary.

Information Source(s): Anne Arundel County, Garrett County, Montgomery County, Department of Health and Mental Hygiene (Office of Preparedness and Response), Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - March 12, 2008
mam/jr

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