SENATE BILL 129

E2

HB 531/08 – JUD

By: Senator Forehand

Introduced and read first time: January 16, 2009 Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2	Catastrophic Health Emergency Orders – Citations
3 4	FOR the purpose of authorizing a police officer to issue a citation for failing to comply with a certain health emergency order; and generally relating to catastrophic
5	health emergency orders and citations.

- 6 BY repealing and reenacting, with amendments,
- 7 Article Criminal Procedure
- 8 Section 4–101
- 9 Annotated Code of Maryland
- 10 (2008 Replacement Volume)
- 11 BY repealing and reenacting, without amendments,
- 12 Article Health General
- 13 Section 18–907(a)
- 14 Annotated Code of Maryland
- 15 (2005 Replacement Volume and 2008 Supplement)
- 16 BY repealing and reenacting, without amendments,
- 17 Article Public Safety
- 18 Section 14–3A–08
- 19 Annotated Code of Maryland
- 20 (2003 Volume and 2008 Supplement)
- 21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 22 MARYLAND, That the Laws of Maryland read as follows:
- 23 Article Criminal Procedure
- 24 4–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



9lr0907 CF 9lr0908

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1	(a)	(1)	In thi	s section the following words have the meanings indicated.
$2 \\ 3 \\ 4$	officer or fir crime.	(2) re mar	(i) rshal isa	"Citation" means a written charging document that a police sues to a defendant, alleging the defendant has committed a
5 6	statement o	f char	(ii) ges.	"Citation" does not include an indictment, information, or
7		(3)	"Fire	marshal" means:
8			(i)	the State Fire Marshal;
9			(ii)	a deputy State fire marshal; or
10			(iii)	as designated under § 6–304 of the Public Safety Article:
11				1. an assistant State fire marshal; or
12				2. a special assistant State fire marshal.
13		(4)	"Polic	e officer" has the meaning stated in § $2-101$ of this article.
14 15 16	(b) officer may section.			s of the National Park System, a United States Park Police authority of a police officer to issue a citation under this
17 18	(c) law allowing	(1) g a cri		ct to paragraph (2) of this subsection, in addition to any other e charged by citation, a police officer may issue a citation for:
19 20	intoxicated	person	(i) under	sale of an alcoholic beverage to an underage drinker or Article 2B, § 12–108 of the Code;
$\begin{array}{c} 21 \\ 22 \end{array}$	Criminal La	ıw Art	(ii) icle, if t	malicious destruction of property under § 6–301 of the he amount of damage to the property is less than \$500;
$\begin{array}{c} 23 \\ 24 \end{array}$	the Crimina	l Law	(iii) Article	disturbing the peace or disorderly conduct under § 10–201 of ; [or]
$\begin{array}{c} 25\\ 26 \end{array}$	Law Article;	; OR	(iv)	misdemean or theft under § 7–104(g)(2) or (3) of the Criminal
27 28 29 30 31		NE OR	DER, R	FAILING TO COMPLY WITH A HEALTH EMERGENCY NG, VACCINATION, TREATMENT, ISOLATION, OR EQUIREMENT, OR DIRECTIVE UNDER § 18–907(A) OF THE ARTICLE OR § 14–3A–08 OF THE PUBLIC SAFETY

A police officer may issue a citation to a defendant if the officer is 1 (2) $\mathbf{2}$ satisfied with the defendant's evidence of identity and reasonably believes that the 3 defendant will comply with the citation. Subject to paragraph (2) of this subsection, in addition to any other 4 (d) (1)5 law allowing a crime to be charged by citation, a fire marshal may issue a citation for: 6 discharging fireworks without a permit under § 10–104 or § (i) 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 Article. 11 12 (2)A fire marshal may issue a citation if the fire marshal is satisfied with the defendant's evidence of identity and reasonably believes that the defendant 13will comply with the citation. 14 (1)This section does not apply to a citation that is: 15(e) 16 (i) authorized for a violation of a parking ordinance or a 17regulation adopted by a State unit or political subdivision of the State under Title 26, 18 Subtitle 3 of the Transportation Article; 19 authorized by the Department of Natural Resources under § (ii) 201–205 of the Natural Resources Article; or 21(iii) authorized by Baltimore City under § 16-16A (special enforcement officers) of the Code of Public Local Laws of Baltimore City for violation of 2223a code, ordinance, or public local law of Baltimore City concerning building, housing, 24health, fire, safety, zoning, or sanitation. 25Except as otherwise expressly provided by law, the Chief Judge of (2)26the District Court shall prescribe a uniform, statewide form of a citation. Except for the uniform motor vehicle citation form, the law 27(3)enforcement agencies of the State, the United States Park Police, and the Office of the 2829 State Fire Marshal shall reimburse the District Court for printing the citation forms 30 that law enforcement officers and the State Fire Marshal require. **Article – Health – General** 31

32 18–907.

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$rac{1}{2}$	(a) (1) A person may not knowingly and willfully fail to comply with any order, regulation, or directive issued in accordance with 18–905 of this subtitle.
$3 \\ 4 \\ 5$	(2) A person who violates paragraph (1) of this subsection is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$3,000 or both.
6	Article – Public Safety
7	14–3A–08.
8 9	(a) A person may not knowingly and willfully fail to comply with an order, requirement, or directive issued under this subtitle.
$10 \\ 11 \\ 12$	(b) A person who violates subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both.
$\begin{array}{c} 13\\14\end{array}$	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.