

SENATE BILL 129

E2
HB 531/08 – JUD

9lr0907
CF 9lr0908

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 FOR the purpose of authorizing a police officer to issue a citation for failing to comply
4 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.



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

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

5 (ii) "Citation" does not include an indictment, information, or
6 statement of charges.

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) "Police officer" has the meaning stated in § 2–101 of this article.

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

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

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

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

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

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

27 (v) **FAILING TO COMPLY WITH A HEALTH EMERGENCY**
28 **EXAMINATION, TESTING, VACCINATION, TREATMENT, ISOLATION, OR**
29 **QUARANTINE ORDER, REQUIREMENT, OR DIRECTIVE UNDER § 18–907(A) OF THE**
30 **HEALTH – GENERAL ARTICLE OR § 14–3A–08 OF THE PUBLIC SAFETY**
31 **ARTICLE.**

