

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 129 (Senator Forehand)
Judicial Proceedings

Catastrophic Health Emergency Orders - Citations

This bill authorizes a police officer to issue a citation for a failure to comply with a health emergency examination, testing, vaccination, treatment, isolation, or quarantine order, requirement, or directive issued by a health officer under specified applicable provisions of the Health – General Article or the Public Safety Article.

Fiscal Summary

State Effect: Any additional citations 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 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.

Under provisions relating to the Secretary of Health and Mental Hygiene’s health emergency powers in the Health – General 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 \$3,000.

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: Similar legislation was introduced at the 2008 session. HB 531 passed the House but no further action was taken on the bill. The cross file, SB 917, received a hearing before the Senate Judicial Proceedings Committee, however, no further action was taken.

Cross File: None.

Information Source(s): Calvert and Montgomery counties, Department of Natural Resources, Department of Health and Mental Hygiene, Judiciary (Maryland District Court), Department of State Police, Maryland Department of Transportation, State's Attorney's Association, Department of Legislative Services

Fiscal Note History: First Reader - January 26, 2009
ncs/hlb

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