

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 829

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Wood” and substitute “Wood, Norman, Frank, Harrison, McComas, Riley, Shewell, Stifler, and Stukes”.

AMENDMENT NO. 2

On page 1, in line 4, after “comply” insert “within a certain time period”; in lines 5 and 6, strike “, within a certain time period,”; in line 7, after “notice,” insert “requiring the notice to include a certain statement of the possible consequences if the person fails to comply within a certain time period; authorizing the District Court or circuit court to issue a warrant or provide a certain notice to the Motor Vehicle Administration if a person fails to comply with certain notices; providing that a warrant may not be issued for a certain noncompliance until after the expiration of certain time periods; establishing requirements for certain copies of a citation form;”; in the same line, after “changes,” insert “declaring the intent of the General Assembly; providing for the effective dates of this Act;”.

AMENDMENT NO. 3

On page 1, in line 11, after “26-201(c)” insert “, (d), and (e) and 26-204”; and after line 13, insert:

“BY adding to

Article - Transportation

Section 26-201(d)

Annotated Code of Maryland

(2009 Replacement Volume and 2009 Supplement)”.

(Over)

AMENDMENT NO. 4

On page 2, in line 2, after “NOTICE” insert “IN BOLDFACE TYPE”; in the same line, strike “, THE” and substitute “:

(I) THE”;

in line 3, after “FOLLOWING” insert “WITHIN 30 DAYS AFTER RECEIPT OF THE CITATION”; in lines 4, 5, and 8, strike “(I)”, “(II)”, and “(III)”, respectively, and substitute “1.”, “2.”, and “3.”, respectively; in lines 8 and 9, strike “, WITHIN 15 DAYS OF RECEIPT OF THE CITATION,”; and in line 10, after “NOTICE,” insert “AND

(II) 1. IF THE PERSON FAILS TO COMPLY WITHIN 30 DAYS AFTER RECEIPT OF THE CITATION, THE ADMINISTRATION WILL BE NOTIFIED AND MAY TAKE ACTION TO SUSPEND THE PERSON’S DRIVER’S LICENSE; AND

2. DRIVING ON A SUSPENDED LICENSE IS A CRIMINAL OFFENSE FOR WHICH THE PERSON COULD BE INCARCERATED; OR”.

AMENDMENT NO. 5

On page 2, after line 29, insert:

“(D) IF A CITATION IS MARKED “YOU HAVE THE RIGHT TO STAND TRIAL”:

(1) THE FORM OF THE DEFENDANT’S COPY OF THE CITATION SHALL INCLUDE IN BOLDFACE TYPE A DESCRIPTION OF THE FOLLOWING OPTIONS:

(I) PAYMENT OF THE FINE;

(II) REQUEST A TRIAL; AND

(III) REQUEST A “GUILTY WITH AN EXPLANATION” HEARING
REGARDING SENTENCING AND DISPOSITION IN LIEU OF A TRIAL; AND

(2) THE FORM OF THE “RETURN TO COURT” COPY OF THE
CITATION SHALL INCLUDE IN BOLDFACE TYPE A CHECK-OFF BOX FOR EACH OF
THE OPTIONS DESCRIBED IN ITEM (1) OF THIS SUBSECTION.

[(d)] (E) A police officer who discovers a vehicle stopped, standing, or
parked in violation of § 21–1003 or § 21–1010 of this article shall:

(1) Deliver a copy of a citation to the driver or, if the vehicle is
unattended, attach a copy of a citation to the vehicle in a conspicuous place; and

(2) Keep a written or electronic copy of the citation, bearing the police
officer’s certification under penalty of perjury that the facts stated in the citation are
true.

[(e)] (F) (1) A police officer who discovers a motor vehicle parked in
violation of § 13–402 of this article shall:

(i) Deliver a copy of a citation to the driver or, if the motor
vehicle is unattended, attach a copy of a citation to the motor vehicle in a conspicuous
place; and

(ii) Keep a written or electronic copy of the citation, bearing the
law enforcement officer’s certification under penalty of perjury that the facts stated in
the citation are true.

(Over)

(2) In the absence of the driver, the owner of the motor vehicle is presumed to be the person receiving the copy of a citation or warning.

26–204.

(a) (1) A person shall comply with the notice to appear contained in a writ or a trial notice issued by either the District Court or a circuit court in an action on a traffic citation.

(2) Unless the person charged demands an earlier hearing, a time specified to appear shall be at least 5 days after the alleged violation.

(b) (1) For purposes of this section, the person may comply with the notice to appear by:

(i) Appearance in person;

(ii) Appearance by counsel; or

(iii) Payment of the fine for a particular offense, if provided for in the citation for that offense.

(2) (i) Subject to the provisions of subparagraph (iii) of this paragraph, a person who intends to comply with the notice to appear contained in a traffic citation by appearance in person or by counsel may return a copy of the citation to the District Court within the time allowed for payment of the fine indicating in the appropriate space on the citation that the person:

1. Does not dispute the truth of the facts as alleged in the citation; and

2. Requests, in lieu of a trial, a hearing before the Court regarding sentencing and disposition.

(ii) A person who requests a hearing under the provisions of subparagraph (i) of this paragraph waives:

1. Any right to a trial of the facts as alleged in the citation; and

2. Any right to compel the appearance of the police officer who issued the citation.

(iii) A person may request a hearing under the provisions of subparagraph (i) of this paragraph only if the traffic citation is for an offense that is not punishable by incarceration.

(c) If a person fails to comply with [the] A NOTICE UNDER § 26-201(C)(1) OF THIS SUBTITLE, A NOTICE FOR A HEARING DATE ISSUED IN ACCORDANCE WITH A REQUEST MADE UNDER § 26-201(C)(1)(I)2 OF THIS SUBTITLE, A WRIT OR TRIAL NOTICE ISSUED IN ACCORDANCE WITH A REQUEST MADE UNDER § 26-201(C)(1)(I)3 OF THIS SUBTITLE, OR A notice to appear UNDER § 26-201(C)(2) OF THIS SUBTITLE, the District Court or a circuit court may:

(1) Except as provided in subsection (f) of this section, issue a warrant for the person's arrest; or

(2) After 5 days, notify the Administration of the person's noncompliance.

(d) On receipt of a notice of noncompliance from the District Court or a circuit court, the Administration shall notify the person that the person's driving

(Over)

privileges shall be suspended unless, by the end of the 15th day after the date on which the notice is mailed, the person:

(1) Pays the fine on the original charge as provided for in the original citations; or

(2) Posts bond or a penalty deposit and requests a new date for a trial or a hearing on sentencing and disposition.

(e) If a person fails to pay the fine or post the bond or penalty deposit under subsection (d) of this section, the Administration may suspend the driving privileges of the person.

(f) When the offense is not punishable by incarceration, if the court notifies the Administration of the person's noncompliance under subsection (c) of this section, a warrant may not be issued for the person under this section until 20 days after [the original trial date]:

(1) THE EXPIRATION OF THE TIME PERIOD REQUIRED TO COMPLY WITH § 26-201(C)(1)(I) OF THIS SUBTITLE, IF THE PERSON HAS NOT REQUESTED A HEARING REGARDING SENTENCING AND DISPOSITION OR A TRIAL DATE; OR

(2) THE ORIGINAL TRIAL DATE IF A TRIAL HAS BEEN SCHEDULED IN RESPONSE TO A REQUEST UNDER § 26-201(C)(1)(I)3 OF THIS SUBTITLE.

(g) With the cooperation of the District Court and circuit courts, the Administration shall develop procedures to carry out those provisions of this section that relate to the suspension of driving privileges.”.

AMENDMENT NO. 6

On page 3, strike in their entirety lines 1 and 2 and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that funding of up to \$250,000 be provided to the Judicial Branch in fiscal 2011 by the Governor’s Office of Crime Control and Prevention to the Administrative Office of the Courts for computer programming changes to the case management system and written and electronic citations.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect January 1, 2011.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of this Act, this Act shall take effect July 1, 2010.”.