

# HOUSE BILL 742

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EMERGENCY BILL

3lr2797  
CF SB 991

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By: Delegates Waldstreicher and ~~McDermott~~, McDermott, Clippinger, Cluster, Conaway, Dumais, Hough, K. Kelly, and Mitchell

Introduced and read first time: February 6, 2013

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Procedure – Citation Authority**

3 FOR the purpose of authorizing a police officer to charge by citation for certain crimes;  
4 making this Act an emergency measure; and generally relating to criminal  
5 citations.

6 BY repealing and reenacting, with amendments,  
7 Article – Criminal Procedure  
8 Section 4–101(c)  
9 Annotated Code of Maryland  
10 (2008 Replacement Volume and 2012 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article – Criminal Procedure**

14 4–101.

15 (c) (1) **(I)** Subject to paragraph (2) of this subsection, in addition to  
16 any other law allowing a crime to be charged by citation, a police officer shall charge  
17 by citation for:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1                    [(i)] 1. any misdemeanor or local ordinance violation that  
2 does not carry a penalty of imprisonment;

3                    [(ii)] 2. any misdemeanor or local ordinance violation for  
4 which the maximum penalty of imprisonment is 90 days or less, except:

5                    [1.] A. failure to comply with a peace order under §  
6 3–1508 of the Courts Article;

7                    [2.] B. failure to comply with a protective order under  
8 § 4–509 of the Family Law Article;

9                    [3.] C. violation of a condition of pretrial or posttrial  
10 release while charged with a sexual crime against a minor under § 5–213.1 of this  
11 article;

12                    [4.] D. possession of an electronic control device after  
13 conviction of a drug felony or crime of violence under § 4–109(b) of the Criminal Law  
14 Article;

15                    [5.] E. violation of an out-of-state domestic violence  
16 order under § 4–508.1 of the Family Law Article; or

17                    [6.] F. abuse or neglect of an animal under § 10–604 of  
18 the Criminal Law Article; or

19                    [(iii)] 3. possession of marijuana under § 5–601 of the  
20 Criminal Law Article.

21                    (II) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN**  
22 **ADDITION TO ANY OTHER LAW ALLOWING A CRIME TO BE CHARGED BY**  
23 **CITATION, A POLICE OFFICER MAY CHARGE BY CITATION FOR:**

24                    1. **SALE OF AN ALCOHOLIC BEVERAGE TO AN**  
25 **UNDERAGE DRINKER OR INTOXICATED PERSON UNDER ARTICLE 2B, § 12–108**  
26 **OF THE CODE;**

27                    2. **MALICIOUS DESTRUCTION OF PROPERTY UNDER §**  
28 **6–301 OF THE CRIMINAL LAW ARTICLE, IF THE AMOUNT OF DAMAGE TO THE**  
29 **PROPERTY IS LESS THAN \$500; OR**

30                    3. **MISDEMEANOR THEFT UNDER § 7–104(G)(2) OF**  
31 **THE CRIMINAL LAW ARTICLE.**

32                    (2) A police officer may charge a defendant by citation only if:

1 (i) the officer is satisfied with the defendant's evidence of  
2 identity;

3 (ii) the officer reasonably believes that the defendant will  
4 comply with the citation;

5 (iii) the officer reasonably believes that the failure to charge on a  
6 statement of charges will not pose a threat to public safety;

7 (iv) the defendant is not subject to arrest for another criminal  
8 charge arising out of the same incident; and

9 (v) the defendant complies with all lawful orders by the officer.

10 (3) A police officer who has grounds to make a warrantless arrest for  
11 an offense that may be charged by citation under this subsection may:

12 (i) issue a citation in lieu of making the arrest; or

13 (ii) make the arrest and subsequently issue a citation in lieu of  
14 continued custody.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
16 measure, is necessary for the immediate preservation of the public health or safety,  
17 has been passed by a yea and nay vote supported by three-fifths of all the members  
18 elected to each of the two Houses of the General Assembly, and shall take effect from  
19 the date it is enacted.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.