

Department of Legislative Services  
Maryland General Assembly  
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 788 (Senator Jones-Rodwell)  
Judicial Proceedings

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**Task Force to Study Citations for Children and Law Enforcement Diversion Practices**

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This bill establishes the Task Force to Study Citations for Children and Law Enforcement Diversion Practices to be staffed by the Governor's Office of Crime Control and Prevention (GOCCP). The task force must select a chair from among its members. By December 1, 2013, the task force must report its findings and recommendations to the Governor, the Senate Judicial Proceedings Committee, and the House Judiciary Committee.

The bill takes effect July 1, 2013, and terminates June 30, 2014.

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**Fiscal Summary**

**State Effect:** Any expense reimbursements for task force members and staffing costs for GOCCP are assumed to be minimal and absorbable within existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** None

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**Analysis**

**Bill Summary:** The task force must (1) study current practices on issuances of citations to children; (2) study best practices for law enforcement programs to divert children from the Department of Juvenile Services; and (3) make recommendations regarding a process for issuing citations to children. Task force members may not receive compensation but

are entitled to reimbursement for expenses under the standard State travel regulations, as provided in the State budget.

**Current Law:** A law enforcement officer authorized to make arrests must issue a citation to a child if the officer has probable cause to believe a child is violating specified offenses relating to alcohol or tobacco.

### *Adult Citations*

A law enforcement officer is required to issue a citation for possession of marijuana or any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment or for which the maximum penalty of imprisonment is 90 days or less, except for (1) failure to comply with a peace order or protective order; (2) violation of a condition of pretrial or posttrial release while charged with a sexual crime against a minor; (3) possession of an electronic control device after conviction of a drug felony or a crime of violence; (4) violation of an out-of-state domestic violence order; or (5) abuse or neglect of an animal.

A police officer is also authorized to charge a defendant by citation only if (1) the officer is satisfied with the defendant's evidence of identity; (2) the officer reasonably believes that the defendant will comply with the citation; (3) the officer reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety; (4) the defendant is not subject to arrest for another criminal charge arising out of the same incident; and (5) the defendant complies with all lawful orders by the officer. A police officer who has grounds to make a warrantless arrest for an offense that may be charged by citation may (1) issue a citation in lieu of making the arrest or (2) make the arrest and subsequently issue a citation in lieu of continued custody.

**Background:** Baltimore City advises that the proposal is an extension of Chapters 504 and 505 of 2012 (SB 422/HB 261), which mandated citations for adults in specified circumstances. The bill is intended to facilitate a study of the expansion of current citations for additional juvenile offenses and allow for the necessary determination of the procedure to accomplish the result.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 966 (Delegate Anderson)(By Request - Baltimore City Administration) and Delegate Carter - Judiciary.

**Information Source(s):** Governor's Office of Crime Control and Prevention,  
Department of Juvenile Services, Baltimore City, Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2013  
ncs/kdm

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