

# HOUSE BILL 1494

E2, E4

4lr2656

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By: **Delegates McDermott, Hough, Parrott, Smigiel, and Valentino-Smith**

Introduced and read first time: February 24, 2014

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Misdemeanors – Citations**

3 FOR the purpose of altering a provision of law that requires a police officer to charge  
4 certain misdemeanors by citation; authorizing a police officer to charge certain  
5 misdemeanors by citation; making certain conforming changes; and generally  
6 relating to citations issued by a police officer.

7 BY repealing and reenacting, with amendments,  
8 Article – Criminal Procedure  
9 Section 4–101(c)  
10 Annotated Code of Maryland  
11 (2008 Replacement Volume and 2013 Supplement)

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

14 **Article – Criminal Procedure**

15 4–101.

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

19 [1.] **(I)** any misdemeanor or local ordinance violation  
20 that does not carry a penalty of imprisonment;

21 [2.] **(II)** any misdemeanor or local ordinance violation  
22 for which the maximum penalty of imprisonment is [90 days] **2 YEARS** or less, except:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [A.] 1. failure to comply with a peace order under §  
2 3–1508 of the Courts Article;

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

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

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

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

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

15 [3.] (III) possession of marijuana under § 5–601 of the  
16 Criminal Law Article[.

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

20 1. sale of an alcoholic beverage to an underage drinker  
21 or intoxicated person under Article 2B, § 12–108 of the Code;

22 2.]; OR

23 (IV) malicious destruction of property under § 6–301 of the  
24 Criminal Law Article, if the amount of damage to the property is less than \$500[; or

25 3. misdemeanor theft under § 7–104(g)(2) of the  
26 Criminal Law Article].

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

28 (i) the officer is satisfied with the defendant's evidence of  
29 identity;

30 (ii) the officer reasonably believes that the defendant will  
31 comply with the citation;

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

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

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

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

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

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

11                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2014.