

HB0494/552812/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 494
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 3 down through “function;” in line 5; and in line 10, after “date;” insert “authorizing a police officer to charge by citation for an offense that may be charged by summons under a certain provision of law under certain circumstances;”.

On page 2, strike beginning with the comma in line 7 down through “persons” in line 9; strike in their entirety lines 12 through 16, inclusive; and in line 29, after “Section” insert “4-101(c) and”.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 1 through 5, inclusive.

On page 5, in line 13, after “**ARTICLE;**” insert “**OR**”; and strike beginning with the semicolon in line 15 down through “**SUMMONS**” in line 18.

On page 13, in line 22, strike “**(A)**”; and strike beginning with “**AND**” in line 27 down through “**PERSONS**” in line 30.

AMENDMENT NO. 3

On page 4, after line 29, insert:

“4-101.

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

(Over)

1. any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment;

2. any misdemeanor or local ordinance violation for which the maximum penalty of imprisonment is 90 days or less, except:

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

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

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

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

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

F. abuse or neglect of an animal under § 10–604 of the Criminal Law Article; or

3. possession of marijuana under § 5–601 of the Criminal Law Article.

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

1. sale of an alcoholic beverage to an underage drinker or intoxicated person under Article 2B, § 12–108 of the Code;
2. malicious destruction of property under § 6–301 of the Criminal Law Article, if the amount of damage to the property is less than \$500; [or]
3. misdemeanor theft under § 7–104(g)(2) of the Criminal Law Article; OR
4. **AN OFFENSE THAT MAY BE CHARGED BY SUMMONS UNDER § 4-101.2 OF THIS SUBTITLE IF A DETAILED STATEMENT OF PROBABLE CAUSE IS INCLUDED WITH THE CITATION.**

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

- (i) the officer is satisfied with the defendant's evidence of identity;
- (ii) the officer reasonably believes that the defendant will comply with the citation;
- (iii) the officer reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety;
- (iv) the defendant is not subject to arrest for another criminal charge arising out of the same incident; and
- (v) the defendant complies with all lawful orders by the officer.

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

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

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