

SENATE BILL 248

E2
HB 408/17 – JUD

8lr0852
CF 8lr0853

By: **Senators Kelley, Benson, Conway, Currie, Ferguson, Guzzone, Kagan, Lee, McFadden, Muse, Nathan–Pulliam, Robinson, Smith, and Young**

Introduced and read first time: January 19, 2018

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Charging Procedures and Documents – Citation**

3 FOR the purpose of modifying the circumstances under which a police officer is required to
4 charge by citation; modifying the categories of offenses for which a police officer is
5 authorized to charge by citation; modifying the circumstances under which a police
6 officer may charge a defendant by citation; and generally relating to charging
7 procedures and documents.

8 BY repealing and reenacting, without amendments,

9 Article – Criminal Procedure

10 Section 4–101(a)

11 Annotated Code of Maryland

12 (2008 Replacement Volume and 2017 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Criminal Procedure

15 Section 4–101(c)

16 Annotated Code of Maryland

17 (2008 Replacement Volume and 2017 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Criminal Procedure**

21 4–101.

22 (a) (1) In this section the following words have the meanings indicated.

23 (2) (i) “Citation” means a written charging document that a police

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 officer or fire marshal issues to a defendant, alleging the defendant has committed a crime.

2 (ii) "Citation" does not include an indictment, information, or
3 statement of charges.

4 (3) "Fire marshal" means:

5 (i) the State Fire Marshal;

6 (ii) a deputy State fire marshal; or

7 (iii) as designated under § 6–304 of the Public Safety Article:

8 1. an assistant State fire marshal; or

9 2. a special assistant State fire marshal.

10 (4) "Police officer" has the meaning stated in § 2–101 of this article.

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

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

16 2. any **OTHER** misdemeanor or local ordinance violation **NOT**
17 **INVOLVING SERIOUS INJURY OR AN IMMEDIATE HEALTH RISK** for which the maximum
18 penalty of imprisonment is 90 days or less, except:

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

21 B. failure to comply with a protective order under §
22 4–509 of the Family Law Article;

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

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

27 E. violation of an out-of-state domestic violence order under
28 § 4–508.1 of the Family Law Article; or

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2018.