

HOUSE BILL 121

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9lr0555
CF SB 130

By: **Delegate Dumais**

Introduced and read first time: January 21, 2019

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 12, 2019

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Charge by Citation – Violation of Condition of Release**

3 FOR the purpose of altering the designation of a certain crime that a police officer may not
4 charge by citation; and generally relating to criminal citations.

5 BY repealing and reenacting, without amendments,

6 Article – Criminal Procedure

7 Section 4–101(a)(1), (2), and (4)

8 Annotated Code of Maryland

9 (2018 Replacement Volume)

10 BY repealing and reenacting, with amendments,

11 Article – Criminal Procedure

12 Section 4–101(c)

13 Annotated Code of Maryland

14 (2018 Replacement Volume)

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

17 **Article – Criminal Procedure**

18 4–101.

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

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 (2) (i) “Citation” means a written charging document that a police
2 officer or fire marshal issues to a defendant, alleging the defendant has committed a crime.

3 (ii) “Citation” does not include an indictment, information, or
4 statement of charges.

5 (4) “Police officer” has the meaning stated in § 2–101 of this article.

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

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

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

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

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

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

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

21 E. violation of an out-of-state domestic violence order under
22 § 4–508.1 of the Family Law Article; or

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

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

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

30 1. sale of an alcoholic beverage to an underage drinker or
31 intoxicated person under § 6–304, § 6–307, § 6–308, or § 6–309 of the Alcoholic Beverages
32 Article;

1 2. malicious destruction of property under § 6–301 of the
2 Criminal Law Article, if the amount of damage to the property is less than \$500; or

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

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

6 (i) the officer is satisfied with the defendant’s evidence of identity;

7 (ii) the officer reasonably believes that the defendant will comply
8 with the citation;

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

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

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

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

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.