

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 121
Judiciary

(Delegate Dumais)

Judicial Proceedings

Criminal Procedure - Charge by Citation - Violation of Condition of Release

This bill amends § 4-101(c) of the Criminal Procedure Article to reflect recent changes to statute by designating a violation of a condition of pretrial or posttrial release under § 5-213.1 of the Criminal Procedure Article as a crime for which a police officer may not charge by citation.

Fiscal Summary

State Effect: The bill is procedural/technical and is not expected to materially affect State finances.

Local Effect: The bill is procedural/technical and is not expected to materially affect local finances.

Small Business Effect: None.

Analysis

Current Law: As long as a defendant meets specified statutory criteria, State law requires a police officer to charge by citation (1) any misdemeanor or local ordinance violation that does not carry a term of imprisonment or (2) any misdemeanor or local ordinance violation for which the maximum penalty is 90 days imprisonment or less, with specified exceptions. A violation of a condition of pretrial or posttrial release while charged with a sexual crime against a minor under § 5-213.1 of the Criminal Procedure Article is one of the specified exceptions.

Chapter 187 of 2010 created § 5-213.1 of the Criminal Procedure Article and established that a person charged with committing a sexual crime against a minor is prohibited from violating a condition of pretrial or posttrial release that prohibits the person from contacting, harassing, or abusing the victim or going in or near the alleged victim's residence or place of employment. Violators are guilty of a misdemeanor, punishable by up to 90 days imprisonment. A police officer is authorized to make a warrantless arrest if the officer has probable cause to believe that the person has violated a condition of pretrial or posttrial release under these circumstances.

Chapters 427 and 428 of 2018 added a crime of violence under § 5-101 of the Public Safety Article and a crime against a victim who is a person eligible for relief under § 4-501 of the Family Law Article to the list of charges under § 5-213.1.

Additional Information

Prior Introductions: None.

Cross File: SB 130 (Senator Lee) - Judicial Proceedings.

Information Source(s): City of College Park; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - January 29, 2019
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