SENATE BILL 333

E2 0lr 2127 SB 341/19 - JPR CF HB 261

By: Senators Kelley, Carter, Lee, Patterson, Smith, Sydnor, Washington, West, and Young

Introduced and read first time: January 23, 2020

Assigned to: Judicial Proceedings

	A BILL ENTITLED				
1	AN ACT concerning				
2	Criminal Procedure – Charging Procedures and Documents – Citation				
3 4 5 6 7	charge by citation; modifying the categories of offenses for which a police officer is authorized to charge by citation; modifying the circumstances under which a police officer may charge a defendant by citation; and generally relating to charging				
8 9 10 11 12	Article – Criminal Procedure Section 4–101(a) Annotated Code of Maryland				
13 14 15 16 17	Article – Criminal Procedure Section 4–101(c) Annotated Code of Maryland				
18 19	<i>'</i>				
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				

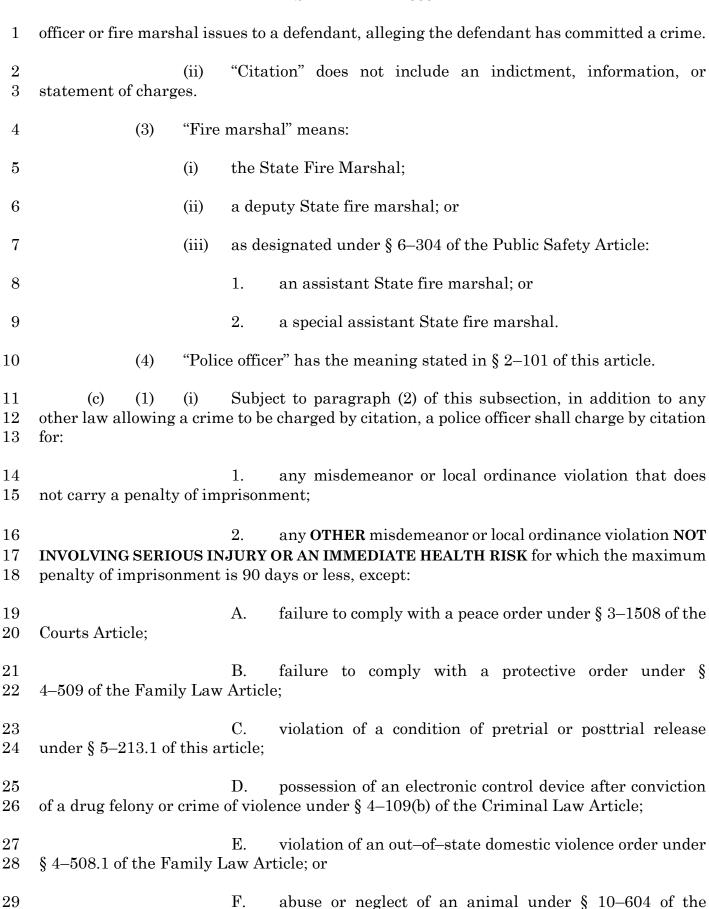
EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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Criminal Law Article; or



1 2	Law Article.	3.	possession of marijuana under § 5–601 of the Criminal	
3 4 5	(ii) other law allowing a crim for:	-	ect to paragraph (2) of this subsection, in addition to any e charged by citation, a police officer may charge by citation	
6 7 8	intoxicated person under Article;	1. § 6–30	sale of an alcoholic beverage to an underage drinker or 04, § 6–307, § 6–308, or § 6–309 of the Alcoholic Beverages	
9	Criminal Law Article, if t	2. he am	malicious destruction of property under § 6–301 of the ount of damage to the property is less than \$500; [or]	
11	Law Article; OR	3.	misdemeanor theft under § 7–104(g)(2) of the Criminal	
13 14 15	SUBSTANCE OTHER THARTICLE.	4. IAN M	POSSESSION OF A CONTROLLED DANGEROUS IARIJUANA UNDER § 5–601 OF THE CRIMINAL LAW	
6	(2) A poli	ce offic	cer may charge a defendant by citation only if:	
17	(i)	the of	ficer is satisfied with the defendant's evidence of identity;	
18 19	(ii) with the citation;	the o	fficer reasonably believes that the defendant will comply	
20 21	(iii) statement of charges will		fficer reasonably believes that the failure to charge on a ose a threat to public safety;	
22 23 24 25	(iv) the defendant is not subject to arrest for another [criminal charge] ALLEGED MISDEMEANOR INVOLVING SERIOUS INJURY OR IMMEDIATE HEALTH RISK, AN ALLEGED FELONY arising out of the same incident, OR AN OPEN WARRANT; and			
26	(v)	the de	efendant complies with all lawful orders by the officer.	
27 28	(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:			
29	(i)	issue	a citation in lieu of making the arrest; or	
30 31	(ii) continued custody.	make	the arrest and subsequently issue a citation in lieu of	

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.