

# HOUSE BILL 445

E2, E4

1r1706  
CF 1r1862

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By: **Delegate Dumais**

Introduced and read first time: January 15, 2021

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Charging Procedures – Citations**

3 FOR the purpose of altering the circumstances under which a police officer is required to  
4 charge by citation; altering the categories of offenses for which a police officer is  
5 authorized to charge by citation; altering the circumstances under which a police  
6 officer is authorized to charge by citation; requiring the Maryland Police Training  
7 and Standards Commission, in consultation with the Anne Arundel County Police  
8 Academy, to develop and maintain a certain training and certification curriculum for  
9 a certain purpose; and generally relating to charging procedures.

10 BY repealing and reenacting, without amendments,  
11 Article – Criminal Procedure  
12 Section 4–101(a)  
13 Annotated Code of Maryland  
14 (2018 Replacement Volume and 2020 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Criminal Procedure  
17 Section 4–101(c)  
18 Annotated Code of Maryland  
19 (2018 Replacement Volume and 2020 Supplement)

20 BY repealing and reenacting, without amendments,  
21 Article – Public Safety  
22 Section 3–201(a) and (b)  
23 Annotated Code of Maryland  
24 (2018 Replacement Volume and 2020 Supplement)

25 BY adding to  
26 Article – Public Safety  
27 Section 3–207(j)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2018 Replacement Volume and 2020 Supplement)

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

5 **Article – Criminal Procedure**

6 4–101.

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

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

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

12 (3) “Fire marshal” means:

13 (i) the State Fire Marshal;

14 (ii) a deputy State fire marshal; or

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

16 1. an assistant State fire marshal; or

17 2. a special assistant State fire marshal.

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

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

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

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

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

1 B. failure to comply with a protective order under §  
2 4–509 of the Family Law Article;

3 C. violation of a condition of pretrial or posttrial release  
4 under § 5–213.1 of this article;

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

7 E. violation of an out-of-state domestic violence order under  
8 § 4–508.1 of the Family Law Article; or

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

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

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

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

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

21 3. misdemeanor theft under § 7–104(g)(2) of the Criminal  
22 Law Article; OR

23 **4. POSSESSION OF A CONTROLLED DANGEROUS**  
24 **SUBSTANCE OTHER THAN MARIJUANA UNDER § 5–601 OF THE CRIMINAL LAW**  
25 **ARTICLE.**

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

27 (i) the officer is satisfied with the defendant's evidence of identity;

28 (ii) the officer reasonably believes that the defendant will comply  
29 with the citation;

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

(iv) the defendant is not subject to arrest:

1. for [another criminal charge] AN ALLEGED MISDEMEANOR INVOLVING SERIOUS INJURY OR IMMEDIATE HEALTH RISK OR AN ALLEGED FELONY arising out of the same incident; OR

2. BASED ON AN OUTSTANDING ARREST WARRANT; 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.

#### Article – Public Safety

3–201.

(a) In this subtitle the following words have the meanings indicated.

(b) “Commission” means the Maryland Police Training and Standards Commission.

3–207.

**(J) THE COMMISSION, IN CONSULTATION WITH THE ANNE ARUNDEL COUNTY POLICE ACADEMY, SHALL DEVELOP AND MAINTAIN A UNIFORM STATEWIDE TRAINING AND CERTIFICATION CURRICULUM THAT INCLUDES ROLE-PLAYING EXERCISES TO ENSURE THE USE OF BEST PRACTICES IN THE ISSUANCE OF CITATIONS IN LIEU OF ARREST.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.