

# SENATE BILL 671

E2, E4

11r1862  
CF HB 445

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By: **Senator Waldstreicher**

Introduced and read first time: February 3, 2021

Assigned to: Judicial Proceedings

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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;

1 (iv) the defendant is not subject to arrest:

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

5 2. BASED ON AN OUTSTANDING ARREST WARRANT; and

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

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

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

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

## 12 Article – Public Safety

13 3–201.

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

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

17 3–207.

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

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