

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 1

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “model” and substitute “uniform”; strike beginning with “requiring” in line 5 down through “Commission;” in line 6; and in line 8, after “exception;” insert “establishing certain procedural requirements applicable to violations of this Act;”.

AMENDMENT NO. 2

On page 2, in lines 13 and 16, in each instance, strike “**MODEL**” and substitute “**UNIFORM**”; in line 13, after “**POLICY**” insert “**, TO BE USED BY EACH LAW ENFORCEMENT AGENCY**”; after line 24, insert:

“(III) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE UNIFORM POLICY MAY ALLOW FOR USES OF FACE COVERINGS UNDER CIRCUMSTANCES ABSOLUTELY NECESSARY TO PROTECT THE HEALTH OR SAFETY OF LAW ENFORCEMENT OFFICERS WHILE PERFORMING PUBLIC SAFETY FUNCTIONS, INCLUDING THE USE OF FACE COVERINGS DURING INCLEMENT WEATHER.”;

and strike in their entirety lines 25 through 28, inclusive, and substitute:

“(3) A COUNTY, A MUNICIPALITY, OR A LAW ENFORCEMENT AGENCY OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAY NOT ADOPT A POLICY, OTHER THAN THE UNIFORM POLICY DEVELOPED BY THE COMMISSION, REGARDING THE USE OF FACE COVERINGS BY LAW ENFORCEMENT OFFICERS.”.

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On page 4, strike beginning with “A” in line 13 down through “TITLE” in line 14 and substitute “THE UNIFORM POLICY ADOPTED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION UNDER § 3-207 OF THIS TITLE”; strike beginning with the colon in line 15 down through “(I)” in line 16; in line 16, strike “MISDEMEANOR” and substitute “CIVIL OFFENSE”; in line 17, strike “IMPRISONMENT NOT EXCEEDING 2 YEARS OR”; strike beginning with “\$2,000” in line 18 down through “VIOLATION” in line 20 and substitute “\$1,500”; and after line 22, insert:

“(E) (1) A POLICE OFFICER MAY ISSUE A CITATION TO A LAW ENFORCEMENT OFFICER WHO THE POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE IS COMMITTING OR HAS COMMITTED A VIOLATION OF THIS SECTION.

(2) ADJUDICATION UNDER THIS SECTION:

(I) IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE; AND

(II) DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES THAT MAY RESULT FROM A CRIMINAL CONVICTION.

(3) A CITATION ISSUED UNDER THIS SECTION SHALL BE SIGNED BY THE POLICE OFFICER WHO ISSUED THE CITATION AND SHALL CONTAIN:

(I) THE NAME AND ADDRESS OF THE LAW ENFORCEMENT OFFICER CHARGED;

(II) THE STATUTE ALLEGEDLY VIOLATED;

(III) THE DATE, LOCATION, AND TIME THAT THE VIOLATION OCCURRED;

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(IV) THE FINE THAT MAY BE IMPOSED;

(V) A NOTICE STATING THAT PREPAYMENT OF THE FINE IS ALLOWED; AND

(VI) A NOTICE THAT STATES THAT THE DISTRICT COURT SHALL PROMPTLY SEND THE LAW ENFORCEMENT OFFICER A SUMMONS TO APPEAR FOR TRIAL.

(4) (I) THE FORM OF THE CITATION SHALL BE UNIFORM THROUGHOUT THE STATE AND SHALL BE PRESCRIBED BY THE DISTRICT COURT.

(II) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ESTABLISH A SCHEDULE FOR THE PREPAYMENT OF A FINE FOR A VIOLATION OF THIS SECTION.

(5) (I) THE LAW ENFORCEMENT AGENCY OF THE POLICE OFFICER WHO ISSUED THE CITATION SHALL FORWARD TO THE DISTRICT COURT HAVING VENUE A COPY OF THE CITATION AND A REQUEST FOR TRIAL.

(II) THE DISTRICT COURT SHALL PROMPTLY SCHEDULE THE CASE FOR TRIAL AND SUMMON THE DEFENDANT TO APPEAR.

(6) IN ANY PROCEEDING FOR A CIVIL OFFENSE UNDER THIS SECTION:

(I) THE STATE HAS THE BURDEN TO PROVE THE GUILT OF THE DEFENDANT BY A PREPONDERANCE OF THE EVIDENCE;

(Over)

(II) THE COURT SHALL APPLY THE EVIDENTIARY STANDARDS AS PRESCRIBED BY LAW OR RULE FOR THE TRIAL OF CRIMINAL CAUSES;

(III) THE COURT SHALL ENSURE THAT THE DEFENDANT HAS RECEIVED A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE DEFENDANT UNDERSTANDS THOSE CHARGES;

(IV) THE DEFENDANT IS ENTITLED TO CROSS-EXAMINE ALL WITNESSES WHO APPEAR AGAINST THE DEFENDANT, TO PRODUCE EVIDENCE OR WITNESSES ON BEHALF OF THE DEFENDANT, OR TO TESTIFY ON THE DEFENDANT'S OWN BEHALF, IF THE DEFENDANT CHOOSES TO DO SO;

(V) THE DEFENDANT IS ENTITLED TO BE REPRESENTED BY COUNSEL OF THE DEFENDANT'S CHOICE AND AT THE EXPENSE OF THE DEFENDANT; AND

(VI) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT GUILTY, AND THE VERDICT OF THE COURT IN THE CASE SHALL BE:

1. GUILTY OF A CIVIL OFFENSE; OR
2. NOT GUILTY OF A CIVIL OFFENSE.

(7) WHEN A DEFENDANT HAS BEEN FOUND GUILTY OF A CIVIL OFFENSE UNDER THIS SECTION AND A FINE HAS BEEN IMPOSED BY THE COURT, THE COURT MAY DIRECT THAT THE PAYMENT OF THE FINE BE SUSPENDED OR DEFERRED UNDER CONDITIONS THAT THE COURT MAY ESTABLISH.

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(8) THE DEFENDANT MAY BE LIABLE FOR THE COSTS OF THE PROCEEDINGS IN THE DISTRICT COURT AND FOR PAYMENT TO THE CRIMINAL INJURIES COMPENSATION FUND.

(9) (I) A DEFENDANT WHO HAS BEEN FOUND GUILTY OF A CIVIL OFFENSE UNDER THIS SECTION HAS THE SAME RIGHT TO APPEAL OR TO FILE A MOTION FOR A NEW TRIAL OR A MOTION FOR A REVISION OF A JUDGMENT PROVIDED BY LAW IN THE TRIAL OF A CRIMINAL CASE.

(II) A MOTION SHALL BE MADE IN THE SAME MANNER AS PROVIDED IN THE TRIAL OF CRIMINAL CASES, AND THE COURT, IN RULING ON THE MOTION, HAS THE SAME AUTHORITY PROVIDED IN THE TRIAL OF CRIMINAL CASES.

(10) THE STATE'S ATTORNEY FOR A COUNTY MAY PROSECUTE A CIVIL OFFENSE UNDER THIS SECTION IN THE SAME MANNER AS PROSECUTION OF A VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

(11) IN A CIVIL OFFENSE CASE UNDER THIS SECTION, THE STATE'S ATTORNEY MAY:

(I) ENTER A NOLLE PROSEQUI IN OR PLACE THE CASE ON THE STET DOCKET; AND

(II) EXERCISE AUTHORITY IN THE SAME MANNER AS PRESCRIBED BY LAW FOR VIOLATION OF THE CRIMINAL LAWS OF THE STATE.”.