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The Maryland House of Delegates

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Testimony in Support of House Bill 445 – Criminal Procedure – Charging Procedures – Citations

Good afternoon Mr. Chairman and members of the Committee. Thank you for the opportunity to speak to you on behalf of **House Bill 445 – Criminal Procedure – Charging Procedures – Citations**.

This legislation stipulates that the type of offenses that must be handled by citation rather than arrest include misdemeanors with a maximum penalty of 90 days if the misdemeanor does not involve serious injury or immediate health risk. Additionally, the bill states that an officer may charge by citation for possession of a controlled dangerous substance other than marijuana under Section 5-601 of the criminal law article. An officer has the discretion to charge by citation under the stated circumstances only if the defendant is not subject to arrest for another alleged misdemeanor involving serious injury or immediate health risk, is not subject to an alleged felony arising out of the same incident, or is not subject to an open warrant.

House Bill 445 also augments our efforts to avoid incarceration where appropriate by providing a training component. The measure directs the Maryland Police Training and Standards Commission, in consultation with the Anne Arundel County Police Academy, to develop and maintain a uniform statewide training and certification curriculum that includes role-playing exercises aimed at preparing law enforcement for issuing citations in lieu of arrest. Such citations are only allowed under certain circumstances, and officers are afforded significant discretion in issuing citations rather than arresting. For the officer's sake as well as the sake of individuals potentially charged, proper training is imperative.

This measure is inspired by our continued efforts at justice reinvestment and pretrial reform. By expanding the categories of relatively minor offenses that can be handled by citation rather than arrest, fewer individuals will be subject to pretrial detention and its collateral consequences. Implementation of House Bill 445 should lead to greater efficiency and diminished costs in our justice system.

I respectfully request a favorable report for House Bill 445.