

# SENATE BILL 130

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By: **Senator Lee**

Introduced and read first time: January 18, 2019

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Charge by Citation – Violation of Condition of Release**

3 FOR the purpose of altering the designation of a certain crime that a police officer may not  
4 charge by citation; and generally relating to criminal citations.

5 BY repealing and reenacting, without amendments,

6 Article – Criminal Procedure  
7 Section 4–101(a)(1), (2), and (4)  
8 Annotated Code of Maryland  
9 (2018 Replacement Volume)

10 BY repealing and reenacting, with amendments,

11 Article – Criminal Procedure  
12 Section 4–101(c)  
13 Annotated Code of Maryland  
14 (2018 Replacement Volume)

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

17 **Article – Criminal Procedure**

18 4–101.

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

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) "Police officer" has the meaning stated in § 2–101 of this article.

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

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

7 2. any misdemeanor or local ordinance violation for which  
8 the maximum penalty of imprisonment is 90 days or less, except:

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

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

13 C. violation of a condition of pretrial or posttrial release  
14 [while charged with a sexual crime against a minor] under § 5–213.1 of this article;

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

17 E. violation of an out-of-state domestic violence order under  
18 § 4–508.1 of the Family Law Article; or

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

21 3. possession of marijuana under § 5–601 of the Criminal  
22 Law Article.

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

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

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

31 3. misdemeanor theft under § 7–104(g)(2) of the Criminal  
32 Law Article.

- 1           (2)   A police officer may charge a defendant by citation only if:
- 2                   (i)    the officer is satisfied with the defendant's evidence of identity;
- 3                   (ii)   the officer reasonably believes that the defendant will comply
- 4 with the citation;
- 5                   (iii)  the officer reasonably believes that the failure to charge on a
- 6 statement of charges will not pose a threat to public safety;
- 7                   (iv)  the defendant is not subject to arrest for another criminal charge
- 8 arising out of the same incident; and
- 9                   (v)   the defendant complies with all lawful orders by the officer.

10           (3)   A police officer who has grounds to make a warrantless arrest for an

11 offense that may be charged by citation under this subsection may:

- 12                   (i)    issue a citation in lieu of making the arrest; or
- 13                   (ii)  make the arrest and subsequently issue a citation in lieu of
- 14 continued custody.

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

16 October 1, 2019.