

HOUSE BILL 119

E2, E4

2lr1027

By: **Delegates McDermott, Anderson, Clippinger, Conaway, Hough, McComas,
Mitchell, Smigiel, and Waldstreicher**

Introduced and read first time: January 20, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Misdemeanors – Citations**

3 FOR the purpose of expanding the authority of a police officer to charge a person by
4 citation to include any misdemeanor, except certain crimes of violence; defining
5 a certain term; and generally relating to misdemeanors and citations.

6 BY repealing and reenacting, with amendments,
7 Article – Criminal Procedure
8 Section 4–101(a) and (c)
9 Annotated Code of Maryland
10 (2008 Replacement Volume and 2011 Supplement)

11 BY repealing and reenacting, without amendments,
12 Article – Criminal Procedure
13 Section 4–101(e)(2)
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2011 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Criminal Law
18 Section 14–101(a)
19 Annotated Code of Maryland
20 (2002 Volume and 2011 Supplement)

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

23 **Article – Criminal Procedure**

24 4–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

7 **(3) “CRIME OF VIOLENCE” HAS THE MEANING STATED IN**
8 **§ 14–101 OF THE CRIMINAL LAW ARTICLE.**

9 **[(3)] (4)** “Fire marshal” means:

10 (i) the State Fire Marshal;

11 (ii) a deputy State fire marshal; or

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

13 1. an assistant State fire marshal; or

14 2. a special assistant State fire marshal.

15 **[(4)] (5)** “Police officer” has the meaning stated in § 2–101 of this
16 article.

17 (c) (1) Subject to paragraph (2) of this subsection, in addition to any other
18 law allowing a crime to be charged by citation, a police officer may issue a citation for[:

19 (i) sale of an alcoholic beverage to an underage drinker or
20 intoxicated person under Article 2B, § 12–108 of the Code;

21 (ii) malicious destruction of property under § 6–301 of the
22 Criminal Law Article, if the amount of damage to the property is less than \$500;

23 (iii) disturbing the peace or disorderly conduct under § 10–201 of
24 the Criminal Law Article; or

25 (iv) misdemeanor theft under § 7–104(g)(2) or (3) of the Criminal
26 Law Article] **ANY MISDEMEANOR, EXCEPT A CRIME OF VIOLENCE.**

27 (2) A police officer may issue a citation to a defendant if the officer is
28 satisfied with the defendant’s evidence of identity and reasonably believes that the
29 defendant will comply with the citation.

1 (e) (2) Except as otherwise expressly provided by law, the Chief Judge of
2 the District Court shall prescribe a uniform, statewide form of a citation.

3 **Article – Criminal Law**

4 14–101.

5 (a) In this section, “crime of violence” means:

6 (1) abduction;

7 (2) arson in the first degree;

8 (3) kidnapping;

9 (4) manslaughter, except involuntary manslaughter;

10 (5) mayhem;

11 (6) maiming, as previously proscribed under former Article 27, §§ 385
12 and 386 of the Code;

13 (7) murder;

14 (8) rape;

15 (9) robbery under § 3–402 or § 3–403 of this article;

16 (10) carjacking;

17 (11) armed carjacking;

18 (12) sexual offense in the first degree;

19 (13) sexual offense in the second degree;

20 (14) use of a handgun in the commission of a felony or other crime of
21 violence;

22 (15) child abuse in the first degree under § 3–601 of this article;

23 (16) sexual abuse of a minor under § 3–602 of this article if:

24 (i) the victim is under the age of 13 years and the offender is an
25 adult at the time of the offense; and

- 1 (ii) the offense involved:
- 2 1. vaginal intercourse, as defined in § 3–301 of this
3 article;
- 4 2. a sexual act, as defined in § 3–301 of this article;
- 5 3. an act in which a part of the offender’s body
6 penetrates, however slightly, into the victim’s genital opening or anus; or
- 7 4. the intentional touching, not through the clothing, of
8 the victim’s or the offender’s genital, anal, or other intimate area for sexual arousal,
9 gratification, or abuse;
- 10 (17) an attempt to commit any of the crimes described in items (1)
11 through (16) of this subsection;
- 12 (18) continuing course of conduct with a child under § 3–315 of this
13 article;
- 14 (19) assault in the first degree;
- 15 (20) assault with intent to murder;
- 16 (21) assault with intent to rape;
- 17 (22) assault with intent to rob;
- 18 (23) assault with intent to commit a sexual offense in the first degree;
19 and
- 20 (24) assault with intent to commit a sexual offense in the second
21 degree.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2012.