

# HOUSE BILL 727

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By: **Delegates McDermott, Clippinger, Cluster, Conaway, Dumais, Hough,  
K. Kelly, and Mitchell**

Introduced and read first time: February 5, 2013

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Defendants – Citations – Theft**

3 FOR the purpose of requiring a police officer to charge a person by citation for theft of  
4 property or services with a value of less than a certain monetary amount; and  
5 generally relating to criminal citations.

6 BY repealing and reenacting, with amendments,  
7 Article – Criminal Procedure  
8 Section 4–101  
9 Annotated Code of Maryland  
10 (2008 Replacement Volume and 2012 Supplement)

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

13 **Article – Criminal Procedure**

14 4–101.

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

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

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

21 (3) “Fire marshal” means:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) the State Fire Marshal;
- 2 (ii) a deputy State fire marshal; or
- 3 (iii) as designated under § 6–304 of the Public Safety Article:
- 4 1. an assistant State fire marshal; or
- 5 2. a special assistant State fire marshal.

6 (4) “Police officer” has the meaning stated in § 2–101 of this article.

7 (b) Within areas of the National Park System, a United States Park Police  
8 officer may exercise the authority of a police officer to issue a citation under this  
9 section.

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

13 (i) any misdemeanor or local ordinance violation that does not  
14 carry a penalty of imprisonment;

15 (ii) any misdemeanor or local ordinance violation for which the  
16 maximum penalty of imprisonment is 90 days or less, except:

17 1. failure to comply with a peace order under § 3–1508 of  
18 the Courts Article;

19 2. failure to comply with a protective order under §  
20 4–509 of the Family Law Article;

21 3. violation of a condition of pretrial or posttrial release  
22 while charged with a sexual crime against a minor under § 5–213.1 of this article;

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

26 5. violation of an out-of-state domestic violence order  
27 under § 4–508.1 of the Family Law Article; or

28 6. abuse or neglect of an animal under § 10–604 of the  
29 Criminal Law Article; [or]

30 (iii) possession of marijuana under § 5–601 of the Criminal Law  
31 Article; **OR**

1                   **(IV) THEFT OF PROPERTY OR SERVICES WITH A VALUE OF**  
2 **LESS THAN \$1,000 UNDER § 7-104 OF THE CRIMINAL LAW ARTICLE.**

3                   (2) A police officer may charge a defendant by citation only if:

4                   (i) the officer is satisfied with the defendant's evidence of  
5 identity;

6                   (ii) the officer reasonably believes that the defendant will  
7 comply with the citation;

8                   (iii) the officer reasonably believes that the failure to charge on a  
9 statement of charges will not pose a threat to public safety;

10                  (iv) the defendant is not subject to arrest for another criminal  
11 charge arising out of the same incident; and

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

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

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

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

18                  (d) (1) Subject to paragraph (2) of this subsection, in addition to any other  
19 law allowing a crime to be charged by citation, a fire marshal may issue a citation for:

20                  (i) discharging fireworks without a permit under § 10-104 or §  
21 10-110 of the Public Safety Article;

22                  (ii) possessing with intent to discharge or allowing the discharge  
23 of fireworks under § 10-104 or § 10-110 of the Public Safety Article; or

24                  (iii) maintaining a fire hazard under § 6-317 of the Public Safety  
25 Article.

26                  (2) A fire marshal may issue a citation if the fire marshal is satisfied  
27 with the defendant's evidence of identity and reasonably believes that the defendant  
28 will comply with the citation.

29                  (e) (1) This section does not apply to a citation that is:

1 (i) authorized for a violation of a parking ordinance or a  
2 regulation adopted by a State unit or political subdivision of the State under Title 26,  
3 Subtitle 3 of the Transportation Article;

4 (ii) authorized by the Department of Natural Resources under §  
5 1–205 of the Natural Resources Article; or

6 (iii) authorized by Baltimore City under § 16–16A (special  
7 enforcement officers) of the Code of Public Local Laws of Baltimore City for violation of  
8 a code, ordinance, or public local law of Baltimore City concerning building, housing,  
9 health, fire, safety, zoning, or sanitation.

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

12 (3) Except for the uniform motor vehicle citation form, the law  
13 enforcement agencies of the State, the United States Park Police, and the Office of the  
14 State Fire Marshal shall reimburse the District Court for printing the citation forms  
15 that law enforcement officers and the State Fire Marshal require.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2013.