

Md. CRIMINAL PROCEDURE Code Ann. § 4-101

Annotated Code of Maryland
Copyright 2012 by Matthew Bender and Company, Inc., a member of the LexisNexis Group
All rights reserved.

*** Current through all Chapters Effective October 1, 2012, of the 2012 General Assembly
Regular Session, First Special Session, and Second Special Session ***

CRIMINAL PROCEDURE
TITLE 4. PRETRIAL PROCEDURES
SUBTITLE 1. CHARGING PROCEDURES AND DOCUMENTS

Md. CRIMINAL PROCEDURE Code Ann. § 4-101 (2012)

THIS SECTION HAS MORE THAN ONE DOCUMENT WITH VARYING EFFECTIVE DATES.

§ 4-101. Charge by citation (Amendment effective January 1, 2013.)

(a) Definitions. --

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

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

(ii) "Citation" does not include an indictment, information, or statement of charges.

(3) "Fire marshal" means:

(i) the State Fire Marshal;

(ii) a deputy State fire marshal; or

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

1. an assistant State fire marshal; or

2. a special assistant State fire marshal.

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

(b) Citation by United States Park Police officers. -- Within areas of the National Park System, a United States Park Police officer may exercise the authority of a police officer to issue a citation under this section.

(c) Citation by police officer. --

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

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

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

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

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

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

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

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

6. abuse or neglect of an animal under § 10-604 of the Criminal Law Article; or

(iii) possession of marijuana under § 5-601 of the Criminal Law Article.

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

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

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

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

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

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

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

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

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

(d) Citation by fire marshal. --

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

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

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

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

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

(e) Form. --

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

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

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

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

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

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

HISTORY: 2012, ch. 504, § 2; ch. 505, § 2.