

SB0420/903928/1

BY: Senator Ready

AMENDMENTS TO SENATE BILL 420
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “repealing the” and substitute “altering the penalty for a violation of the”; in line 5, after “substance” insert “to a certain civil penalty”; and in lines 12 and 13, strike “altering a certain definition”.

AMENDMENT NO. 2

On page 1, in line 24, strike the bracket.

On page 2, in lines 2, 4, 10, 11, 13, and 15, in each instance, strike the bracket; in line 16, after “violates” insert “PARAGRAPH (2) (I) OF”; after line 20, insert:

“(4) (I) A PERSON WHO VIOLATES PARAGRAPH (2)(II) OF THIS SUBSECTION IS GUILTY OF A CIVIL OFFENSE AND IS SUBJECT TO A FINE NOT EXCEEDING \$500.

(II) A POLICE OFFICER SHALL ISSUE A CITATION TO A PERSON WHO THE POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE HAS COMMITTED A VIOLATION OF PARAGRAPH (2)(II) OF THIS SUBSECTION.

(III) ADJUDICATION OF A VIOLATION OF PARAGRAPH (2)(II) OF THIS SUBSECTION IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE AND DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES THAT MAY RESULT FROM A CRIMINAL CONVICTION.

(IV) A CITATION ISSUED FOR A VIOLATION OF PARAGRAPH

(Over)

(2)(II) OF THIS SUBSECTION SHALL BE SIGNED BY THE POLICE OFFICER WHO ISSUES THE CITATION AND SHALL CONTAIN:

1. THE NAME, ADDRESS, AND DATE OF BIRTH OF THE PERSON CHARGED;

2. THE DATE AND TIME THAT THE VIOLATION OCCURRED;

3. THE LOCATION AT WHICH THE VIOLATION OCCURRED; AND

4. THE FINE THAT MAY BE IMPOSED;

(V) THE COURT SHALL SUMMON THE PERSON FOR TRIAL.

(VI) THE FORM OF THE CITATION SHALL BE UNIFORM THROUGHOUT THE STATE AND SHALL BE PRESCRIBED BY THE DISTRICT COURT.

(VII) THE ISSUING JURISDICTION SHALL FORWARD A COPY OF THE CITATION AND A REQUEST FOR TRIAL TO THE DISTRICT COURT IN THE DISTRICT HAVING VENUE.

(VIII) IN ANY PROCEEDING FOR A CODE VIOLATION UNDER THIS PARAGRAPH:

1. THE STATE HAS THE BURDEN TO PROVE THE GUILT OF THE DEFENDANT BY A PREPONDERANCE OF THE EVIDENCE;

2. THE COURT SHALL APPLY THE EVIDENTIARY STANDARDS AS PRESCRIBED BY LAW OR RULE FOR THE TRIAL OF A CRIMINAL CASE;

3. THE COURT SHALL ENSURE THAT THE DEFENDANT HAS RECEIVED A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE DEFENDANT UNDERSTANDS THOSE CHARGES;

4. THE DEFENDANT IS ENTITLED TO CROSS-EXAMINE ALL WITNESSES WHO APPEAR AGAINST THE DEFENDANT, TO PRODUCE EVIDENCE OR WITNESSES ON BEHALF OF THE DEFENDANT, AND TO TESTIFY ON THE DEFENDANT'S OWN BEHALF, IF THE DEFENDANT CHOOSES TO DO SO;

5. THE DEFENDANT IS ENTITLED TO BE REPRESENTED BY COUNSEL OF THE DEFENDANT'S CHOICE AND AT THE EXPENSE OF THE DEFENDANT; AND

6. THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT GUILTY, AND THE VERDICT OF THE COURT IN THE CASE SHALL BE:

A. GUILTY OF A CODE VIOLATION;

B. NOT GUILTY OF A CODE VIOLATION; OR

C. PROBATION BEFORE JUDGMENT, IMPOSED BY THE COURT IN THE SAME MANNER AND TO THE SAME EXTENT AS IS ALLOWED BY LAW IN THE TRIAL OF A CRIMINAL CASE.

7. THE DEFENDANT IS LIABLE FOR THE COSTS OF THE PROCEEDINGS IN THE DISTRICT COURT.

8. THE COURT COSTS IN A CODE VIOLATION CASE UNDER THIS PARAGRAPH IN WHICH COSTS ARE IMPOSED ARE \$5.

9. THE STATE'S ATTORNEY FOR ANY COUNTY MAY PROSECUTE A CODE VIOLATION UNDER THIS PARAGRAPH IN THE SAME MANNER AS PROSECUTION OF A VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

10. IN A CODE VIOLATION CASE UNDER THIS PARAGRAPH, THE STATE'S ATTORNEY MAY:

A. ENTER A NOLLE PROSEQUI OR MOVE TO PLACE THE CASE ON THE STET DOCKET; AND

B. EXERCISE AUTHORITY IN THE SAME MANNER AS PRESCRIBED BY LAW FOR VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

11. A PERSON ISSUED A CITATION FOR A VIOLATION OF THIS PARAGRAPH WHO IS UNDER THE AGE OF 18 YEARS SHALL BE SUBJECT TO THE PROCEDURES AND DISPOSITIONS PROVIDED IN TITLE 3, SUBTITLE 8A OF THE COURTS ARTICLE.

12. A CITATION FOR A VIOLATION OF THIS PARAGRAPH AND THE OFFICIAL RECORD OF A COURT REGARDING THE CITATION ARE NOT SUBJECT TO PUBLIC INSPECTION AND MAY NOT BE INCLUDED ON THE PUBLIC WEBSITE MAINTAINED BY THE MARYLAND JUDICIARY IF:

A. THE DEFENDANT HAS PLED GUILTY TO OR BEEN FOUND GUILTY OF THE CODE VIOLATION AND HAS FULLY PAID THE FINE AND COSTS IMPOSED FOR THE VIOLATION;

B. THE DEFENDANT HAS RECEIVED A PROBATION BEFORE JUDGMENT AND HAS FULLY PAID THE FINE AND COMPLETED ANY TERMS IMPOSED BY THE COURT;

C. THE CASE HAS BEEN REMOVED FROM THE STET DOCKET AFTER THE DEFENDANT FULLY PAID THE FINE AND COMPLETED ANY TERMS IMPOSED BY THE COURT;

D. THE STATE HAS ENTERED A NOLLE PROSEQUI;

E. THE DEFENDANT HAS BEEN FOUND NOT GUILTY OF THE CHARGE; OR

F. THE CHARGE HAS BEEN DISMISSED.”;

in line 21, strike “(4)” and substitute “**(5)**”; and in line 21, after “violating” insert “**PARAGRAPH (2)(I) OF**”.