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I. PURPOSE

The State of Maryland Uniform Criminal Citation (Form DC/CR 45) is designed to provide a single format on which a deputy may charge an adult offender with violations of certain petty misdemeanor criminal codes and statutes. This applies to both State and County codes. This citation may only be issued to adult violators (18 years or older).

II. GUIDELINES FOR THE USE OF AN ADULT UNIFORM CRIMINAL CITATION

A deputy who has grounds to make an arrest for an offense that meets the “Criteria” in section III below, will issue a Criminal Citation for that arrest. The deputy may make an arrest and conduct a search incident to arrest, but the defendant will not be transported for Booking unless additional charges are warranted based on the results of the search incident to arrest. The defendant will be released upon his/her signature on the citation.

All violations charged on the Uniform Criminal Citation are “MUST APPEAR” violations, requiring a defendant to appear in court. There are no predetermined fines that a defendant can pay in lieu of going to court. The issuing deputy does not set a trial date. The Courts will provide the trial date and summons the defendant and witnesses.

III. CRITERIA ON ISSUING THE UNIFORM CRIMINAL CITATION

Subject to the conditions below a deputy shall charge by criminal citation for:

A. Qualifying Offenses for Citations

1. Any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment;
2. Any misdemeanor or local ordinance violation for which the maximum penalty is 90 days or less;
3. Theft under \$1500
4. Sale of an alcoholic beverage to an underage or intoxicated person;
5. Possession of marijuana under 5-601 of the Criminal Law

“Appendix B” lists qualifying offenses that require charge by criminal citation. District Court “Petty Offenses” List.

B. Offenses that Cannot be Charged by Citation

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. A violation of a condition of pretrial or post-trial release;
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;
6. Abuse or neglect of an animal under 10-604 of the Criminal Law Article.

C. Criteria for Issuance of Citation

Although the law mandates the issuance of a citation for qualifying offenses, the law requires the defendant to meet certain criteria to be released without approval by a court commissioner. If the defendant cannot meet the criteria listed below, the deputy will charge the defendant on a statement of charges and ensure the defendant's appearance before a court commissioner. The deputy must detail at the bottom of the statement of probable cause which criteria the defendant failed to meet in these cases.

The law requires a law enforcement deputy to charge a defendant on a citation only if:

1. The deputy is satisfied with the defendant's evidence of identity;
2. The deputy reasonably believes that the defendant will comply with the citation;
3. The deputy reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety;
4. The defendant is not subject to arrest for another criminal charge arising out of the same incident;
5. The defendant complies with all lawful orders by the deputy.

IV. COMPLETING THE UNIFORM CRIMINAL CITATION

Deputy's will use the Uniform Criminal Citation DC/CR 45 form to charge a defendant with a criminal offense by citation using either the pre-printed/pre-numbered DC/CR 45 from the citation book provided by the District Court, or the Court-approved PDF version of the DC/CR 45 where a tracking number is not automatically captured. The deputy will use the tracking number from a pre-printed DC/CR 45 and type that number into the PDF version. The pre-printed/pre-numbered DC/CR 45 from the citation book will have a diagonal line drawn across it and will be stapled to the Court copy of the PDF version.

The following guidelines are to be utilized when completing and issuing the Uniform Criminal Citation. If the citation is illegible, completed improperly, or incomplete, the Courts will return the citation to the deputy to correct. Because the Uniform Criminal Citation is a Statement of Charges, any changes made in the document will necessitate the re-issuance of the citation to the defendant.

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A. Defendant's Information

The defendant's full name, current address (including county if a Maryland resident), date of birth, personal identifiers (including gender and race/or ethnicity), and phone numbers are to be placed in this section. Deputy's must list race/or ethnicity as the following:

1. Asian;
2. Black;
3. Hispanic;
4. White;
5. Other

B. Related Citations

All citation numbers (Traffic or Civil) that are issued to a defendant must be placed here. (See Section V of this Index Code for additional information.)

C. Charges

The date, time, location of the infraction and a brief "Statement of Facts" is to be entered in this section. Because this is a criminal charging document that is similar to a Statement of Charges, a Statement of Fact is used in lieu of the wording of the specific charge being placed against the defendant.

1. Type of Violation Section

The charging deputy must check the appropriate block in front of the statutes/codes being enforced.

2. Document/Article Section

The Article Section and CJIS Code (if applicable) of a particular statute/code are placed in this section. (See Appendix B for Article Section and CJIS Code numbers.)

3. Penalty Section

The maximum penalty for the violation being charged is entered in this section.

D. Trial Date

The District Court will provide a trial date for the charges. A deputy is not permitted to set his/her own trial dates. A Deputy must check the box to the left of "WHEN NOTIFIED BY THE COURT."

E. Defendant's Signature

This charging document requires the defendant to sign the citation, acknowledging that he/she agrees to appear for trial when notified. If a defendant refuses to sign the citation on a violation that does not carry a penalty of imprisonment, the deputy must arrest the defendant and charge him/her on a Statement of Charges. If after an arrest on charges carrying a penalty of incarceration, a defendant refuses to sign the citation, the deputy will charge him/her on a Statement of Charges.

F. Deputy's Signature

The charging deputy must sign their name to the citation in this section. The deputy must place the date the citation is issued next to his/her name. The deputy must then provide the Agency

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Code (ZG for Cecil County), the Sub-Agency Code and his/her I.D. number (must be four digits). The Sub-Agency Assignment Codes are as follows:

G. Witness Summons

The witness summons section of the Uniform Criminal Citation located on the back of the Court Copy will not be used. The deputy will use the standard District Court "Request for Witness Summons" form (DC/CR 92) to summons all needed witnesses. The witnesses' name, address, city, state, zip code, and day and night phone numbers must be provided. It is very important that the witnesses' day and night phone numbers be provided to the Courts so that they can call the witnesses and notify them of postponements or guilty pleas.

V. MULTIPLE CITATIONS

If an Adult Civil Citation and/or traffic charges are issued along with a Uniform Criminal Citation, the Civil Citation number and/or traffic citation number must be placed on the Criminal Citation, and the Criminal Citation number placed on the Civil Citation and/or traffic citation.

If there is more than one defendant involved in one incident, the charging deputy has the option to have all of the defendants stand trial separately or together. If the deputy wants the defendants to stand trial together, the deputy must place the numbers of the related citations in the "Related Citations" section of each defendant's citation.

VI. DISTRIBUTION OF COPIES

All copies of the Uniform Criminal Citation, except for the Defendant's Copy, are to be sent to Central Records before the end of the issuing deputy's tour of duty. If the issuing deputy needs a copy of the citation for his/her own records, a copy of the citation will have to be made.

VII. WRITTEN REPORT REQUIREMENTS

A written report must be submitted whenever a Uniform Criminal Citation is issued. Reports are to be submitted in RMS.

On the rear of the "State's Attorney's Copy" of the citation, there is a section to include the events surrounding the issuance of the citation. Because of the required report that must be submitted with the citation, there is no need to complete this section of the citation.

VIII. INCIDENT AND REPORT NUMBERS

Report numbers must be placed on each citation in the block labeled "Arrest Number". The report number must be written on the citation prior to it being issued to the defendant. The citation numbers must also be included in the incident report.