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Sheriff

HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY

Unique Categories of Violator

Distribution:	All Personnel	Index:	OPS 0913
Responsible Unit:		Rescinds:	<i>OPS 0913 (dated 05/01/18)</i>
		MD Code:	

Issued:	06/15/22	Reviewed	06/13/22	Next Review:	06/13/25
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1. Purpose

To provide deputies with guidance when encountering violations committed by certain individuals.

2. Policy

Violations committed by non-residents, minors, state or federal legislators, or members of the military will be handled in accordance with this directive.

3. Definitions

CITATION: a written charging document issued by the police and ordering the defendant to appear before a judge to defend against the stated charge; in certain cases, the defendant may take other action (e.g., pre-payment of a fine) to avoid the need to appear in court; except in the cases of electronic tickets (ETIX), the defendant is required to sign a citation to acknowledge receipt.

JUVENILE: a person under 18 years of age.

PARENT: in this directive, includes the term guardian.

SUMMONS: in this directive, summons includes the term citation unless specified otherwise; a defendant is not required to sign a summons.

4. References

MD. CODE ANN., TRANSP. §16-814.

MD. CODE ANN., TRANSP. §16-102.

MD. CODE ANN., TRANSP. §26-201.

MD. CODE ANN., TRANSP. §26-202.

MD. CODE ANN., Courts and Judicial Proceedings §3-8A-03

5. Procedures

A. Non-Residents

1. There is no difference between violators who are Maryland residents, residents of a state that has entered into a reciprocal agreement with Maryland, or residents of a non-reciprocal state.

2. At the deputy's discretion, any person may be issued a traffic citation or summons or arrested for any violation of TRANSP. §26-201 or TRANSP. §26-202.

B. Jurisdiction Over Minors

1. The District Court has jurisdiction over any child 16 years or older who has violated any provision of the Maryland Transportation Article or other traffic law or ordinance for which they may not be incarcerated, and when the District Court has jurisdiction a traffic citation or summons may be issued.
2. The Juvenile Court has jurisdiction over:
 - a. violators under 16 years of age who have allegedly committed a violation of the Maryland Transportation Article or other traffic laws or ordinances;
 - b. all minors under 18 years of age who have allegedly committed a violation of the Transportation Article, or other traffic law or ordinance that prescribes a penalty of incarceration; and
 - c. children (over 13 years of age) who are charged with two or more violations of the Maryland Vehicle Law or the State Boat Act, allegedly arising out of the same incident and which would result in the child being brought before both the court and a court exercising criminal jurisdiction, the Juvenile Court has exclusive jurisdiction over all the charges.
 - d. In these circumstances, a juvenile action will be filed against every minor who has allegedly committed a traffic violation that does not fall within the jurisdiction of the District Court. These minors will not be issued a uniform traffic citation.

C. State and Federal Government Officials

- a. State and federal officials are not exempt from summons or arrest for criminal offenses or violations of the Maryland Transportation Article, to include arrest for driving under the influence.

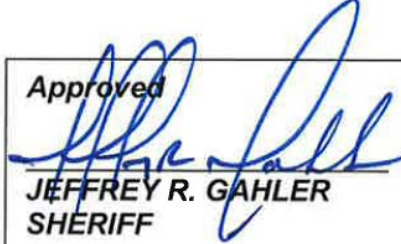
D. Members of the Military

- a. members of the military are exempt from certain driver's license requirements as outlined in the TRANSP. §16-102.

E. Exemption From Arrest

1. United States senators and representatives shall, in all cases, except treason, felony, and breach of the peace, be privileged from civil process during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.
2. This protection from civil process to members of Congress is given by the U.S. Constitution, and that of the members of the State Legislatures is generally secured to them by the constitutions of the various states or by the common law.

3. While the State of Maryland Constitution makes no provision to exempt the State Legislators from arrest, the common law prevails which privileges them from civil process while attending, going to, or returning from a session of their respective houses.
 - a. The State Constitution reads that no senator or delegate shall be liable in any criminal prosecution for words spoken in debate, however, neither U. S. congressmen nor members of the Maryland State Legislature are privileged from arrest and prosecution for any criminal offense during their attendance at a session or in going to and returning from their respective houses.
 - b. These offenses include any violations of the Transportation Article.

Approved

JEFFREY R. GAHLER
SHERIFF
DATE 6.13.2022