

SB82 .pdf

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Position: FAV

CORY V. McCRAY
Legislative District 45
Baltimore City

DEPUTY MAJORITY WHIP

Budget and Taxation Committee

Subcommittees

Chair, Health and Human Services

Vice Chair, Capital Budget

Executive Nominations Committee

Legislative Policy Committee

Joint Committee on Gaming Oversight



James Senate Office Building
11 Bladen Street, Room 221
Annapolis, Maryland 21401
410-841-3165 · 301-858-3165
800-492-7122 Ext. 3165
Cory.McCray@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Vote Yes to SB 82

Title: Arrest Warrants for Violation of Probation - Time Frame
Judicial Proceedings Committee
Hearing: January 23, 2024

Dear Chair, Vice Chair, and Members of the Committee,

I am writing to request your favorable vote on **Senate Bill 82**. This will be an instrumental piece of legislation for Baltimore city, setting time frames for taking action on citizens with arrest warrants. This bill will help increase the court's efficiency of procedure and strengthen its ability to pursue and enact justice.

The purpose of **SB82** is to protect the citizens of Maryland from criminal offenders who have outstanding arrest warrants but have not been sought expeditiously by the justice system. Currently, a violent offender with an outstanding arrest warrant can potentially roam free for weeks before a court decision is made about them. This inaction can be fatal. This bill will work guide Maryland judges to set parameters for action to be taken so that these individuals do not remain at large.

Significance and Impact: The significance of **SB82** is to amplify the strength of the courts by making their decisions more frequent and expectable. This will impact numerous cases in Baltimore County. This will evolve the current inadequate legislation that does not address the problems with court procedure.

Important Considerations: SB82 aims to mitigate the problem of long processes that do not efficiently protect the citizens of Maryland. This bill will bridge the legislation with the judicial navigation of the courts. District 45 is planning on the implementation of MDEC as the technological system that can expedite court procedure and information accessibility for those using it. This bill will serve as a prophylactic against judicial inaction until time frames set for court decisions have a technological measure of tracking and assessing.

This bill will call for the efficient responses of the court to pursue justice, beginning as early as enacted.

This bill prioritizes the protection of the citizens of Maryland and places great importance on making sure our communities are safe, which is why I urge a favorable report for **Senate Bill 82**.

Respectfully,

A handwritten signature in blue ink, appearing to read "Cory V. McCray". The signature is fluid and cursive, with a large initial "C" and a long horizontal stroke.

Cory V. McCray
45th District

Amendment

Uploaded by: Senator McCray

Position: FAV



SB0082/543620/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

22 JAN 24
16:35:28

BY: Senator McCray
(To be offered in the Judicial Proceedings Committee)

AMENDMENT TO SENATE BILL 82
(First Reading File Bill)

On page 3, after line 13, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) This Act is contingent on Maryland Electronic Courts being installed in Baltimore City on or before May 6, 2024.

(b) On or before May 6, 2024, the MDEC Advisory Committee shall notify the Department of Legislative Services whether Maryland Electronic Courts has been installed in Baltimore City.

(c) (1) If the Department of Legislative Services receives notification that Maryland Electronic Courts has not been installed in Baltimore City on or before May 6, 2024, this Act shall take effect on the date notice is received by the Department of Legislative Services in accordance with subsection (b) of this section.

(2) If the Department of Legislative Services receives notice that Maryland Electronic Courts has been installed in Baltimore City on or before May 6, 2024, this Act, with no further action required by the General Assembly, shall be null and void.”;

in line 14, strike “2.” and substitute “3.”; and in the same line, after “That” insert “, subject to Section 2 of this Act.”.

Sponsor Testimony

Uploaded by: Senator McCray

Position: FAV

CORY V. McCRAY
Legislative District 45
Baltimore City

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Cory V. McCray
45th District

SB 82.pdf

Uploaded by: Linda Miller

Position: UNF

SB82
MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 82
Baltimore City – Arrest Warrants for Violation of Probation –
Time Frame
DATE: January 11, 2024
(1/23)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 82. This bill requires a circuit court or district court judge sitting in Baltimore City to respond to a request for an arrest warrant within 7 days of receipt of written charges, filed under oath, that a probationer or defendant violated a condition of probation during the period of probation.

This bill presents significant constitutional issues and equal protection concerns as it creates different substantive rules for judges in only one jurisdiction and is especially problematic for the District Court which is a statewide court. These concerns have been addressed with the sponsor to also include the timely receipt of notification about violations, some of which will be eliminated by the May 2024 implementation of MDEC in Baltimore City given that these requests will be electronically delivered to the judge rather than by mail. The proposed 7-day response is also impracticable given numerous factors that may impact the judicial determination as to whether a warrant should be issued. In each of the examples provided to the Judiciary, it was shown that not only did the judge respond in a prompt and timely fashion, but in several instances, the warrants were still outstanding and/or took many months to serve.

Finally, the bill pertains to arrest warrants, but violation reports from DPSCS Parole and Probation, result in bench warrants not arrest warrants. The Judiciary strongly opposes this legislation.

cc. Hon. Cory McCray
Judicial Council
Legislative Committee
Kelley O'Connor