

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