

**Department of Legislative Services**  
Maryland General Assembly  
2024 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 82

(Senator McCray)

Judicial Proceedings

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**Baltimore City - Arrest Warrants for Violation of Probation - Time Frame**

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This emergency bill requires a circuit court or District Court judge in Baltimore City to respond to a request for an arrest warrant within seven days after receiving written charges, filed under oath, that a probationer or defendant violated a condition of probation during the period of probation.

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**Fiscal Summary**

**State Effect:** The bill's requirements can be handled by the Judiciary with existing resources, as discussed below. Revenues are not affected.

**Local Effect:** Baltimore City can handle the bill's requirements with existing resources, as discussed below. Revenues are not affected.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Probation is a disposition that allows an offender to remain in the community, frequently requiring compliance with certain standards and special conditions of supervision imposed by the court. A court has broad authority to impose reasonable conditions to fit each case. A standard condition of probation, for example, prohibits the offender from engaging in any further criminal activity. Additional conditions may require an offender to participate in drug or alcohol treatment, refrain from the use of drugs or alcohol, participate in counseling (common in domestic violence and sexual offense cases), pay restitution, or refrain from contacting or harassing the victim of the crime and the

victim's family. Probation may either be probation before judgment or probation following judgment.

On receipt of written charges, filed under oath, that a probationer or defendant violated a condition of probation during the period of probation, the District Court *may*, during the period of probation or within 30 days after the violation, whichever is later, issue an arrest warrant or notice requiring the probationer or defendant to be brought or appear before the issuing judge to answer the charge of violation and be present for the setting of a hearing date.

If the circuit court or the District Court finds that a violation occurred, it may revoke the probation and impose a sentence allowed by law. The court may alternately choose to continue the offender on probation subject to any additional conditions it chooses to impose.

**State/Local Fiscal Effect:** The Judiciary indicates that in Baltimore City, a total of 1,401 arrest warrants were issued by the circuit court (936) and the District Court (465) in 2022; in 2023, a total of 1,661 arrest warrants were issued by the circuit court (1,104) and the District Court (557). The bill does not increase the number of arrest warrants that are requested; judges retain the discretion to determine how to respond to any request and are not required to subsequently issue a warrant. However, the Judiciary advises that implementation of the bill requires a high level of coordination between the clerk's office and the judges in order to facilitate appropriate judge availability to review and respond to requests within the seven-day deadline in both the District Court (in Baltimore City) and Baltimore City Circuit Court. Although the Judiciary anticipates a significant operational impact, the associated workload can be handled using existing resources.

The Baltimore City Sheriff's Office indicates that each arrest warrant requires several hours of staff time (typically utilizing four deputy sheriffs) to administer and serve and then process the defendant after arrest. As noted above, while the bill requires judges to respond to requests within a specified timeframe, it does not increase the number of warrants that are requested nor require judges to issue additional warrants based on the requests. While the sheriff's office may receive an initial influx of warrants to be served in the early period of implementation (as both warrants issued prior to the bill's effective date and newer warrants that judges must respond to within specified timeframes are sent for service), it is nonetheless anticipated that the bill can be implemented using existing resources.

## **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Baltimore City; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - January 19, 2024  
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