

HOUSE BILL 851

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1998 Regular Session
8r1522
CF 8r1523

By: **Chairman, Judiciary Committee (Maryland Judicial Conference)**

Introduced and read first time: February 12, 1998

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 10, 1998

CHAPTER _____

1 AN ACT concerning

2 **District Court Commissioners**

3 FOR the purpose of authorizing a District Court commissioner to exercise the powers
4 of office in certain counties contiguous to the county in which the commissioner
5 resides; authorizing a supervising commissioner in a multicounty district to
6 assign any other commissioner from that district to perform duties in certain
7 other counties of that district; and generally relating to District Court
8 commissioners.

9 BY repealing and reenacting, with amendments,
10 Article - Courts and Judicial Proceedings
11 Section 2-607
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1997 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Courts and Judicial Proceedings**

17 2-607.

18 (a) (1) The administrative judge of each district, with the approval of the
19 Chief Judge of the District Court, may appoint the number of commissioners
20 necessary to perform the functions of the office within each county.

1 (2) In multiple-county districts, the administrative judge shall obtain
2 the recommendation of the resident judge in each county as to the number of
3 commissioners required in the county and as to the persons to be appointed.

4 (b) (1) Commissioners shall be adult residents of the counties in which they
5 serve, but they need not be lawyers.

6 (2) The salary of commissioners shall be set by the Secretary of Budget
7 and Management.

8 (3) Each commissioner shall hold office at the pleasure of the Chief
9 Judge of the District Court, and has the powers and duties prescribed by law.

10 (4) Except without additional compensation, unless otherwise fixed by
11 law, an employee of the District Court, who is an adult, may be granted, in the same
12 manner, commissioner powers and duties in the county where he is employed.

13 (c) (1) A commissioner shall receive applications and determine probable
14 cause for the issuance of charging documents.

15 (2) A commissioner shall advise arrested persons of their constitutional
16 rights, set bond or commit persons to jail in default of bond or release them on
17 personal recognizance if circumstances warrant, and conduct investigations and
18 inquiries into the circumstances of any matter presented to him in order to determine
19 if probable cause exists for the issuance of a charging document, warrant, or criminal
20 summons and, in general, perform all the functions of committing magistrates as
21 exercised by the justices of the peace prior to July 5, 1971.

22 (3) There shall be in each county, at all times, one or more commissioners
23 available for the convenience of the public and police in obtaining charging
24 documents, warrants, or criminal summonses and to advise arrested persons of their
25 rights as required by law.

26 (4) A COMMISSIONER MAY EXERCISE THE POWERS OF OFFICE IN ANY
27 COUNTY TO WHICH THE COMMISSIONER IS ASSIGNED:

28 (I) BY THE CHIEF JUDGE OF THE DISTRICT COURT, AS TO
29 ASSIGNMENT TO A COUNTY IN ANOTHER DISTRICT THAT IS CONTIGUOUS TO THE
30 COUNTY IN WHICH THE COMMISSIONER RESIDES; OR

31 (II) BY AN ADMINISTRATIVE COMMISSIONER, AS TO ASSIGNMENT
32 TO A COUNTY WITHIN THAT DISTRICT THAT IS CONTIGUOUS TO THE COUNTY IN
33 WHICH THE COMMISSIONER RESIDES.

34 (d) The Chief Judge of the District Court may authorize one or more
35 commissioners to perform the duties of a commissioner regarding persons arrested in
36 a county other than the county in which the commissioner resides and for which the
37 commissioner was appointed when the arrested persons are brought before the
38 commissioner by a peace officer of the jurisdiction in which that arrest was made.

1 (e) (1) Notwithstanding the residence requirements set out in subsection (b)
2 of this section, the Chief Judge of the District Court may assign a commissioner of the
3 District Court to serve temporarily in a county that is contiguous to the
4 commissioner's county of residence.

5 (2) A designation made under this subsection may only be made in
6 extraordinary circumstances and may not exceed 30 days.

7 (f) Notwithstanding the residence requirement of subsection (b)(1) of this
8 section, a commissioner who is designated by the Chief Judge of the District Court as
9 the supervising commissioner of a multicounty district is authorized to perform the
10 duties of a commissioner in any county of the multicounty district AND TO ASSIGN
11 ANY OTHER COMMISSIONER FROM THAT DISTRICT TO PERFORM DUTIES WITHIN ANY
12 COUNTY OF THAT DISTRICT THAT IS CONTIGUOUS TO THE COUNTY IN WHICH THE
13 COMMISSIONER RESIDES.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 1998.