

**Department of Legislative Services**  
Maryland General Assembly  
2003 Session

**FISCAL AND POLICY NOTE**

Senate Bill 576

(Senator Hughes)

Judicial Proceedings

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**Baltimore City - State's Attorney Review of Applications for Statements of Charges - Felonies**

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This bill requires a District Court judge or commissioner in Baltimore City to immediately forward to a State's Attorney a copy of each application for a statement of charges that alleges the commission of a felony in Baltimore City. The judicial officer may take action on or may forward the application to the State's Attorney if the person who is the subject of the application poses an immediate threat to the public or an individual. The State's Attorney's Office has 24 hours to investigate the matter and make a recommendation as to whether a statement of charges should be filed. If that office recommends that a statement of charges be filed, it must further recommend whether a summons or a warrant should be issued.

A statement of charges may not be filed in Baltimore City in connection with a felony for which prosecutorial review has been sought until the State's Attorney has made a recommendation to the judicial officer who forwarded the application; or until the 24-hour review period has lapsed, if no recommendation is received during that time.

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**Fiscal Summary**

**State Effect:** Potential increase in general fund expenditures for the District Court for implementation of a computerized tracking system and follow up.

**Local Effect:** Potential increase in expenditures for the Baltimore City State's Attorney's Office to investigate felony charges within mandatory 24-hour time period.

**Small Business Effect:** None.

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## Analysis

**Current Law:** There is a statewide requirement that any application filed in District Court that alleges an offense by a law enforcement officer, emergency services staff person, or educator for an offense committed in the course of executing their duties be screened by a State's Attorney. The State's Attorney has 20 days from the receipt of the application to investigate the matter and make a recommendation on whether a summons or warrant should be issued.

**Background:** Both the Committee to Revise Article 27, a committee charged with making both substantive and stylistic changes to the State's criminal law, and the Maryland State Bar Association have recommended prosecutorial screening of all applications for a warrant or summons filed by a private citizen, except those alleging actual or threatened physical injury. These recommendations, which cover both felonies and misdemeanors, are intended to delay action on, and use of resources in connection with, cases that are ultimately determined to lack prosecutorial merit and/or substance. Two bills to implement these recommendations statewide, SB 237 and HB 295, have been introduced in the 2003 session. These bills provide for a 20-day review period.

**Local Expenditures:** Montgomery County currently has in place an informal arrangement between the court and the local State's Attorney's office whereby prosecutors screen both law enforcement and citizen-instituted complaints, and has found that this procedure has substantially reduced criminal dockets in the District Court. The State's Attorney has 20 days to make a recommendation in these cases.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State's Attorneys' Association, Judiciary (Administrative Office of the Courts), Baltimore City, Department of Legislative Services

**Fiscal Note History:** First Reader - February 18, 2003  
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