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By: **Senator Giannetti**

Introduced and read first time: February 3, 2005

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **District Court Commissioners - Authority - Persons Arrested in Other**  
3 **Counties**

4 FOR the purpose of authorizing a District Court commissioner to perform the duties  
5 of a commissioner regarding a person arrested in a county other than the county  
6 to which the commissioner is appointed when the person is brought before the  
7 commissioner by a peace officer from the jurisdiction in which the arrest is  
8 made; and generally relating to District Court commissioners.

9 BY repealing and reenacting, with amendments,  
10 Article - Courts and Judicial Proceedings  
11 Section 2-607(c)(5)  
12 Annotated Code of Maryland  
13 (2002 Replacement Volume and 2004 Supplement)

14 BY repealing and reenacting, without amendments,  
15 Article - Criminal Procedure  
16 Section 2-106(a)  
17 Annotated Code of Maryland  
18 (2001 Volume and 2004 Supplement)

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

21 **Article - Courts and Judicial Proceedings**

22 2-607.

23 (c) (5) [The Chief Judge of the District Court may authorize one or more  
24 commissioners to] A COMMISSIONER MAY perform the duties of a commissioner  
25 regarding persons arrested in a county other than the county in which the  
26 commissioner resides and for which the commissioner was appointed when the  
27 arrested persons are brought before the commissioner by a peace officer of the  
28 jurisdiction in which that arrest was made.

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**Article - Criminal Procedure**

2 2-106.

3 (a) (1) A peace officer, who is appointed in the jurisdiction in which a person  
4 is arrested, may keep custody of the arrested person in another jurisdiction in which  
5 a District Court commissioner is located to bring the person before the District Court  
6 commissioner in the other jurisdiction.

7 (2) The peace officer has the same power to keep custody of the arrested  
8 person under paragraph (1) of this subsection that the peace officer has in the  
9 jurisdiction for which the peace officer is appointed and the arrest is made.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2005.