

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

Senate Bill 408

(Senator Giannetti)

Judicial Proceedings

District Court Commissioners - Authority - Persons Arrested in Other Counties

This bill repeals the authority of the Chief Judge of the District Court to authorize one or more commissioners to perform the duties of a commissioner for an arrestee from another county when the arrestee is brought by an officer from the jurisdiction in which the arrest was made. Instead, it simply authorizes a commissioner to act under these circumstances.

Fiscal Summary

State Effect: None. The bill would not materially affect judicial expenditures, but may affect District Court operations.

Local Effect: None – see above.

Small Business Effect: None.

Analysis

Current Law: The Chief Judge of the District Court may authorize one or more commissioners to perform the duties of a commissioner regarding persons arrested in another county when the arrested persons are brought before a commissioner by a peace officer from the jurisdiction in which the arrest was made.

Background: Commissioners are judicial officers, appointed by the Chief Judge of the District Court of Maryland. There are more than 240 District Court commissioners around the State.

Commissioners review applications for statements of charges to determine whether probable cause exists to issue charging documents and conduct initial appearance hearings on arrested individuals to decide the conditions of pretrial release.

State Effect: The Administrative Office of the Courts advises that this bill may have an impact on District Court operations in that it may result in a lack of control over a station's workflow, difficulty in matching case files back to the original jurisdictions, and difficulty in determining a commitment location for defendants. The District Court advises that since 1971 there have only been three or four instances of the Chief Judge taking this action. Each incident involved a police chase on the Interstate 95 corridor.

Additional Comments: It is unclear from the bill under what circumstances an officer may take an arrestee to another jurisdiction and which jurisdiction would be responsible for holding a defendant who is ineligible for pretrial release. There could be a significant effect on certain local departments of correction if they are required to house arrestees from other jurisdictions.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 15, 2005
mp/jr

Analysis by: Kineta A. Rotan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510