

HOUSE BILL 87

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8lr1150
CF SB 58

By: **Chair, Judiciary Committee (By Request - Maryland Judicial Conference)**

Introduced and read first time: January 14, 2008

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 12, 2008

CHAPTER _____

1 AN ACT concerning

2 **District Court – Commissioners – Jurisdiction**

3 FOR the purpose of authorizing a District Court commissioner to exercise the powers
4 of that office in any county to which the commissioner is assigned by the Chief
5 Judge of the District Court or a designee of the Chief Judge of the District
6 Court; authorizing the Chief Judge of the District Court or a designee of the
7 Chief Judge of the District Court to assign a commissioner to serve temporarily
8 in any county; repealing certain limitations on an assignment of a county
9 commissioner; repealing certain provisions relating to the powers of certain
10 administrative or supervisory commissioners in multicounty districts; making a
11 stylistic change; and generally relating to the powers and duties of District
12 Court commissioners.

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings
15 Section 2–607
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2007 Supplement)

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

20 **Article – Courts and Judicial Proceedings**

21 2–607.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

4 (2) In multicounty districts, the administrative judge shall obtain the
5 recommendation of the resident judge in each county as to the number of
6 commissioners required in the county and as to the persons to be appointed.

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

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

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

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

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

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

29 (4) A commissioner may exercise the powers of office in any county to
30 which the commissioner is assigned[:

31 (i) By the Chief Judge of the District Court, as to assignment to
32 a county in another district that is contiguous to the county in which the commissioner
33 resides; or

34 (ii) By an administrative commissioner, as to assignment to a
35 county within that district that is contiguous to the county in which the commissioner

1 resides] **BY THE CHIEF JUDGE OF THE DISTRICT COURT OR A DESIGNEE OF THE**
2 **CHIEF JUDGE OF THE DISTRICT COURT.**

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

8 (d) (1) The authority under this subsection applies only to a respondent
9 who is an adult.

10 (2) A commissioner may issue an interim order for protection of a
11 person eligible for relief in accordance with § 4–504.1 of the Family Law Article or a
12 petitioner in accordance with § 3–1503.1 of this article.

13 (e) [(1)] Notwithstanding the residence requirements set out in subsection
14 (b) of this section, the Chief Judge of the District Court **OR A DESIGNEE OF THE**
15 **CHIEF JUDGE OF THE DISTRICT COURT** may assign a commissioner of the District
16 Court to serve temporarily in [a] **ANY** county [that is contiguous to the commissioner’s
17 county of residence.

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

20 (f) Notwithstanding the residence requirement of subsection (b)(1) of this
21 section, a commissioner who is designated by the Chief Judge of the District Court as
22 the supervising commissioner of a multicounty district is authorized to perform the
23 duties of a commissioner in any county of the multicounty district and to assign any
24 other commissioner from that district to perform duties within any county of that
25 district that is contiguous to the county in which the commissioner resides].

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.