

CHAPTER 40

(House Bill 87)

AN ACT concerning

District Court – Commissioners – Jurisdiction

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

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

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

Article – Courts and Judicial Proceedings

2–607.

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

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

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

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

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

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

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

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

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

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

(ii) By an administrative commissioner, as to assignment to a county within that district that is contiguous to the county in which the commissioner resides] **BY THE CHIEF JUDGE OF THE DISTRICT COURT OR A DESIGNEE OF THE CHIEF JUDGE OF THE DISTRICT COURT.**

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

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

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

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

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

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

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

Approved by the Governor, April 8, 2008.