

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 87

(Chair, Judiciary Committee)

(By Request – Maryland Judicial Conference)

Judiciary

Judicial Proceedings

District Court - Commissioners - Jurisdiction

This bill allows District Court commissioners to exercise the powers of office in any county to which they are assigned by the Chief Judge of the District Court or the Chief Judge’s designee. The bill authorizes commissioners to serve temporarily in any county in the State without the need for an emergency designation by the Chief Judge of the District Court. The bill also repeals the authority of supervising commissioners in multicounty districts to perform duties of a commissioner in any county within their district and to assign commissioners within their district to perform duties in other counties within the district.

Fiscal Summary

State Effect: None. The bill would not materially affect State operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Commissioners must be residents of the counties in which they serve. The Chief Judge of the District Court may assign a commissioner to serve temporarily in a county that borders the commissioner’s county of residence. This assignment can only be made in extraordinary circumstances and may not exceed 30 days.

A supervising commissioner of a multicounty district is authorized to perform the duties of a commissioner in any county within the district. A supervising commissioner may assign any other commissioner from the district to perform duties within any county of the district that borders the commissioner's county of residence.

Background: Commissioners are judicial officers, appointed by the administrative judge of each district with the approval of the Chief Judge of the District Court. There are more than 250 District Court commissioners around the State.

Commissioners review applications for statements of charges to determine whether probable cause exists to issue a charging document, warrant, or criminal summons. They advise arrested individuals of their rights at initial appearance hearings and determine whether the individual will be given bond, committed to jail, or released on personal recognizance. Commissioners also have the authority to issue interim peace orders and interim orders of protection.

Additional Information

Prior Introductions: None.

Cross File: SB 58 (Chair, Judicial Proceedings Committee)(By Request – Maryland Judicial Conference) – Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - January 16, 2008
ncs/jr

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