

HOUSE BILL 968

D1, E4

2lr2618

By: **Delegates Vitale, Eckardt, George, Kipke, McConkey, and Schuh**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **District Court Commissioners – Possession of Handguns on District Court**
3 **Premises**

4 FOR the purpose of prohibiting any restriction against a commissioner carrying a
5 handgun on District Court premises if the commissioner has a certain valid
6 handgun permit; and generally relating to the possession of handguns by
7 commissioners.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 2–607
11 Annotated Code of Maryland
12 (2006 Replacement Volume and 2011 Supplement)

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

15 **Article – Courts and Judicial Proceedings**

16 2–607.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

20 (4) A commissioner may exercise the powers of office in any county to
21 which the commissioner is assigned by the Chief Judge of the District Court or a
22 designee of the Chief Judge of the District Court.

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

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

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

33 (e) Notwithstanding the residence requirements set out in subsection (b) of
34 this section, the Chief Judge of the District Court or a designee of the Chief Judge of
35 the District Court may assign a commissioner of the District Court to serve
36 temporarily in any county.

1 **(F) A COMMISSIONER MAY NOT BE PROHIBITED FROM CARRYING A**
2 **HANDGUN ON DISTRICT COURT PREMISES IF THE COMMISSIONER HAS A VALID**
3 **HANDGUN PERMIT ISSUED UNDER TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY**
4 **ARTICLE.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2012.