

HOUSE BILL 876

E4, D1, E2

6lr3172

By: **Delegate Carter**

Introduced and read first time: February 8, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – District Court Commissioner – Complaints of Police Brutality**

3 FOR the purpose of authorizing a District Court commissioner to take a complaint from an
4 arrested person against a law enforcement officer that alleges brutality related to
5 the arrest in the execution of the law enforcement officer's duties; providing that a
6 complaint made under this Act shall be sworn to by the complainant and filed by the
7 commissioner in accordance with a certain provision of law; and generally relating
8 to District Court commissioners.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 2–607(c)
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2015 Supplement)

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

16 **Article – Courts and Judicial Proceedings**

17 2–607.

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

20 (2) **(I)** A commissioner shall advise arrested persons of their
21 constitutional rights, set bond or commit persons to jail in default of bond or release them
22 on personal recognizance if circumstances warrant, and conduct investigations and
23 inquiries into the circumstances of any matter presented to the commissioner in order to
24 determine if probable cause exists for the issuance of a charging document, warrant, or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 criminal summons and, in general, perform all the functions of committing magistrates as
2 exercised by the justices of the peace prior to July 5, 1971.

3 **(II) 1. A COMMISSIONER MAY TAKE A COMPLAINT FROM AN**
4 **ARRESTED PERSON AGAINST A LAW ENFORCEMENT OFFICER THAT ALLEGES**
5 **BRUTALITY RELATED TO THE ARREST IN THE EXECUTION OF THE LAW**
6 **ENFORCEMENT OFFICER'S DUTIES.**

7 **2. A COMPLAINT MADE UNDER THIS SUBPARAGRAPH**
8 **SHALL BE SWORN TO BY THE COMPLAINANT AND FILED BY THE COMMISSIONER IN**
9 **ACCORDANCE WITH § 3-104 OF THE PUBLIC SAFETY ARTICLE.**

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

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

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

22 (6) (i) An individual may file an application for a statement of charges
23 with a District Court commissioner.

24 (ii) On review of an application for a statement of charges, a District
25 Court commissioner may issue a summons or an arrest warrant.

26 (iii) A District Court commissioner may issue an arrest warrant only
27 on a finding that:

28 1. There is probable cause to believe that the defendant
29 committed the offense charged in the charging document; and

30 2. A. The defendant previously has failed to respond to a
31 summons that has been personally served or a citation;

32 B. The whereabouts of the defendant are unknown and the
33 issuance of a warrant is necessary to subject the defendant to the jurisdiction of the court;

34 C. The defendant is in custody for another offense; or

1 D. There is probable cause to believe that the defendant poses
2 a danger to another person or to the community.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2016.