

HOUSE BILL 195

E2

1lr1444

(PRE-FILED)

By: **Delegate Wilson**

Requested: November 1, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – District Court Commissioners – Issuance of Arrest**
3 **Warrant**

4 FOR the purpose of providing that only a police officer may file a statement of charges with
5 a District Court commissioner; altering a District Court commissioner's duties to
6 exclude issuing arrest warrants; and generally relating to arrest warrants issued by
7 District Court commissioners.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 2–607(c)
11 Annotated Code of Maryland
12 (2020 Replacement Volume)

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

15 **Article – Courts and Judicial Proceedings**

16 2–607.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 by the justices of the peace prior to July 5, 1971.

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

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

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

14 (6) (i) **[An individual] ONLY A POLICE OFFICER, AS DEFINED IN §**
15 **3-201 OF THE PUBLIC SAFETY ARTICLE**, may file an application for a statement of
16 charges with a District Court commissioner.

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

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

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

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

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

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

28 D. There is probable cause to believe that the defendant poses
29 a danger to another person or to the community].

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2021.