

SENATE BILL 862

E2
HB 1599/20 – HRU

1lr1859

By: **Senator Waldstreicher**

Introduced and read first time: February 9, 2021

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 27, 2021

CHAPTER _____

1 AN ACT concerning

2 **Arrest Warrants Issued by District Court Commissioners – Recall by Judge**

3 FOR the purpose of authorizing a judge of the District Court or a judge of a circuit court,
4 on a certain finding, to recall an arrest warrant issued by a District Court
5 commissioner and issue a summons in its place; and generally relating to arrest
6 warrants issued by District Court commissioners.

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

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

14 **Article – Courts and Judicial Proceedings**

15 2–607.

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

18 (2) A commissioner shall advise arrested persons of their constitutional
19 rights, set bond or commit persons to jail in default of bond or release them on personal

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 recognizance if circumstances warrant, and conduct investigations and inquiries into the
2 circumstances of any matter presented to the commissioner in order to determine if
3 probable cause exists for the issuance of a charging document, warrant, or criminal
4 summons and, in general, perform all the functions of committing magistrates as exercised
5 by the justices of the peace prior to July 5, 1971.

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

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

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

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

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

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

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

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

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

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

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

33 **(IV) ON A FINDING OF GOOD CAUSE, A JUDGE OF THE DISTRICT**
34 **COURT OR A JUDGE OF A CIRCUIT COURT MAY RECALL AN ARREST WARRANT ISSUED**
35 **BY A DISTRICT COURT COMMISSIONER UNDER THIS PARAGRAPH AND ISSUE A**

1 **SUMMONS IN ITS PLACE.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.