

SENATE BILL 567

E2

5lr3141

By: **Senator Sydnor**

Introduced and read first time: January 23, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – District Court Commissioners**

3 FOR the purpose of prohibiting a District Court commissioner from issuing an arrest
4 warrant to an individual other than a police officer or a State’s Attorney; and
5 generally relating to District Court commissioners.

6 BY repealing and reenacting, with amendments,
7 Article – Courts and Judicial Proceedings
8 Section 2–607(c)
9 Annotated Code of Maryland
10 (2020 Replacement Volume and 2024 Supplement)

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

13 **Article – Courts and Judicial Proceedings**

14 2–607.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

19 1. There is probable cause to believe that the defendant
20 committed the offense charged in the charging document; [and]

21 **2. THE INDIVIDUAL FILING THE APPLICATION FOR A**
22 **STATEMENT OF CHARGES IS A POLICE OFFICER AS DEFINED IN § 3-201 OF THE**
23 **PUBLIC SAFETY ARTICLE OR A STATE'S ATTORNEY; AND**

24 [2.] **3.A.** The defendant previously has failed to respond to a
25 summons that has been personally served or a citation;

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

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

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

31 (iv) On a finding of good cause, a judge of the District Court or a judge
32 of a circuit court may recall an arrest warrant issued by a District Court commissioner
33 under this paragraph and issue a summons in its place.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2025.