

HB0907/163525/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 907
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “providing that a District Court commissioner may not issue an arrest warrant under certain circumstances;”; and in line 20, strike “4-301(b) and 4-302(d)” and substitute “2-607(c), 4-301(b), and 4-302(d)”.

AMENDMENT NO. 2

On page 2, in line 19, after “ACT” insert “COMMITTED”; strike beginning with “WHO” in line 19 down through “5” in line 21 and substitute “ELIGIBLE FOR RELIEF, AS DEFINED IN § 4-501”; and strike beginning with “BASED” in line 21 down through “CHARGES” in line 22.

On page 3, in line 24, after “DOCUMENT” insert “OR WARRANT”.

On page 4, after line 25, insert:

“2-607.

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

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

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

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

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

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

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

(iii) [A] EXCEPT AS PROVIDED IN PARAGRAPH (7) OF THIS SUBSECTION, A District Court commissioner may issue an arrest warrant only on a finding that:

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

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

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

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

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

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

(7) A DISTRICT COURT COMMISSIONER MAY NOT ISSUE AN ARREST WARRANT IF THE APPLICATION FOR A STATEMENT OF CHARGES ALLEGES THE COMMISSION OF ONLY ASSAULT IN THE THIRD DEGREE UNDER § 3-203.1 OF THE CRIMINAL LAW ARTICLE.