

Maryland Criminal Defense Attorney's Association



MD House of Delegates -Judiciary Committee

February 9, 2021

Hearing on HB 366

District Court Commissioners - Warrant Recall

MCDAA POSITION: SUPPORT

Brief bill explanation: This bill codifies the ability of Maryland District Court and Circuit Court Judges to recall a warrant issued by a District Court Commissioner, and to issue a summons in its place. This bill clarifies the current law and common practice for many years throughout the state. Recently, some judges have denied a request for the issuance of a summons based on their lack of jurisdiction to do so. The ability to recall a Commissioner's warrant and issue a summons is not explicitly laid out in the statute, though it has been the common practice for jurists to do so in every court, both Circuit and District, throughout the state. This bill addresses the issue plainly, by directly stating that a judge MAY recall a warrant issued by a Commissioner, and issue a summons in its place.

For additional information or questions regarding this legislation, please contact MCDAA Government Relations Contact John Giannetti 410.300.6393, JohnGiannetti.mcdaa@gmail.com or MCDAA legislative policy leader Erica Suter, 202.468.6640 erica@ericasuterlaw.com