



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger Chairman and
Members of the Judiciary Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 9, 2021

RE: **HB 195 – District Court Commissioners – Issuance of Arrest Warrant**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **OPPOSE HB 195**. This bill alters current statute when applying for an application for a statement of charges by restricting the District Court Commissioner's authority to the issuance of a criminal summons.

Currently, District Court Commissioners, upon review of an application for a statement of charges, may issue a criminal summons or an arrest warrant depending upon the severity and the type of crime established by the probable cause, including felonies and misdemeanors. Under certain circumstances, a law enforcement officer may effect a warrantless arrest for a felony e.g., murder, rape, robbery, etc. and certain enumerated misdemeanors e.g. domestic violence, theft, etc. **HB 195**, if enacted, would limit a Commissioner to solely issuing a criminal summons versus an arrest warrant should a law enforcement officer seek to pursue charges for those same offenses via the Commissioner.

It is the understanding of the MCPA and the MSA after consultation with the sponsor that the current language of this bill does not meet the specific legislative intent of limiting the Commissioner's authority only as it relates to a citizen's application for charges, not those charges filed by law enforcement in the performance of their duties. Although the Associations have not had an opportunity to review amended language, we remain committed to working with the sponsor to ensure any amendments do not limit or restrict the effectiveness of the District Court Commissioner or our law enforcement officers from pursuing appropriate charges against those who commit crimes of violence that threaten the safety of our communities.

For these reasons, MCPA and MSA **OPPOSE HB 195** and urge an **UNFAVORABLE** report.