

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 195  
Criminal Procedure – District Court Commissioners – Issuance of  
Arrest Warrant  
**DATE:** January 13, 2021  
(2/9)  
**POSITION:** Oppose

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The Maryland Judiciary opposes House Bill 195. This bill provides that only a police officer may file a statement of charges with a District Court commissioner and repeals the authority of a court commissioner to issue an arrest warrant under § 2-607 of the Courts and Judicial Proceedings Article.

The Judiciary has fundamental concerns about removing the authority to issue warrants. Without such authority, it is unclear how law enforcement could obtain an arrest warrant. A warrant is appropriate in many cases, such as when a defendant's whereabouts are unknown or in instances in which the offending event did not take place in front of the officer. Without the ability to obtain an arrest warrant, law enforcement would have no legal authority to arrest in those instances under current law. In addition, removing the public's ability to file charges would result in limiting access to the courts, which is of concern.

cc. Hon. C.T. Wilson  
Judicial Council  
Legislative Committee  
Kelley O'Connor