Bill Number: SB 567
Scott D. Shellenberger, State's Attorney for Baltimore County
Support

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER, STATE'S ATTORNEY FOR BALTIMORE COUNTY, IN SUPPORT OF SENATE BILL 567 CRIMINAL PROCEDURE – DISTRICT COURT COMMISSIONERS AND FALSE STATEMENTS

I write in support of Senate Bill 567 District Court Commissioners and False Statements.

Maryland is one of a minority of states that permit civilians to institute criminal cases – by applying for a statement of charges with a district court commissioner. As you know a civilian can begin the criminal process without the involvement of law enforcement officers or prosecutors. Although this process serves a number of important purposes, because these charges are often issued without the involvement of the police our communities trust to conduct thorough investigations into criminal allegations, it is important for the General Assembly to establish guardrails to prevent abuses.

SB 567 provides an important guardrail – to assure proper charges are filed by increasing the penalty for knowingly making a false report of a crime from six months to three years, disincentivizing those that would seek to weaponize the machinery of the State for unlawful gain, and second, it prevents a district court commissioner from issuing a warrant unless the charges were applied for by a law enforcement officer or a State's Attorney, recognizing that the enormously disruptive consequences of being served with a warrant would be generally inappropriate given the lack of a formal investigation into the allegations.

There are some circumstances, however, that necessitate immediate action, even when prosecutors and police officers have not been involved. If a crime victim feels unsafe reporting a serious crime to authorities and wishes to go directly to a district court commissioner, that commissioner should be empowered to act swiftly when circumstances so require. I believe the current statute under (6) (2) d would ensure public safety.

I urge a favorable report.