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DEPUTY MAJORITY WHIP

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Children, Youth, and Families
Senate Chair, Legislative Ethics



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony for Senate Bill 567
Criminal Procedure- District Court Commissioners
Before the Judicial Proceedings Committee
February 5, 2025**

Good afternoon, Chair Smith, and esteemed members of the Judicial Proceedings Committee,

In Maryland, if a citizen wishes to take action for a crime committed against them, they have two options. They can file a report with the police department or they can file an application for statement of charges with a District Court Commissioner.¹ Notably, Maryland is in the minority of states that permit a civilian to institute a criminal proceeding through a District Court Commissioner. When reports are filed with police departments, police officers will review the report, determine if an investigation is warranted, gather evidence, and identify a suspect. If probable cause is determined, they are authorized to make an arrest. It is this second method for having arrests effectuated that Senate Bill 567 seeks to address.

Under current law, upon review of an application for a statement of charges, a District Court Commissioner may issue a summons or an arrest warrant.² Arrest warrants may be issued without the involvement of a police officer or a states attorney. To issue an arrest warrant, a District Court Commissioner must find that (1) there is probable cause to believe that the defendant committed the offense charged in the charging document;³ and either: (2)(A) the defendant previously has failed to respond to a summons that has been personally served or a citation;⁴ (2)(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;⁵ (2)(C) the defendant is in custody for another offense;⁶ or (2)(D) there is probable cause to believe that the defendant poses a danger to another person or to the community.⁷

¹ Courts and Judicial Proceedings 2-607(c)(6)(i).

² Courts and Judicial Proceedings 2-607(c)(6)(ii).

³ Courts and Judicial Proceedings 2-607(c)(6)(iii)(1).

⁴ Courts and Judicial Proceedings 2-607(c)(6)(iii)(2)(A).

⁵ Courts and Judicial Proceedings 2-607(c)(6)(iii)(2)(B).

⁶ Courts and Judicial Proceedings 2-607(c)(6)(iii)(2)(C).

⁷ Courts and Judicial Proceedings 2-607(c)(6)(iii)(2)(D).

Unfortunately, the current system has been weaponized by some members of the general public, wasting judicial resources and leading to arrests of individuals based entirely upon the details within the applications reviewed by a District Court Commissioner, who notably is not required to have a law degree..⁸

Last session, the Office of the Public Defender testified that it represented a woman:

who was the victim of domestic assault at the hands of her ex-husband. The week before [her] ex-husband's trial date, where she was to testify as to the abuse he had inflicted upon her, the ex-husband filed a false application for statement of charges against Jasmine, leading to her arrest. The arrest caused her to miss the trial date where she was scheduled to testify against her husband. The charges against [her] were later dismissed, but the damage had already been done.⁹

Senate Bill 567 addresses this very issue by adding an additional factor to the decision tree for when a District Court Commissioner may issue an arrest warrant. Senate Bill 567 narrows the individuals who may file an application for a statement of charges to a police officer or a state's attorney. The redefining of what individuals may file an application for a statement of charges to police officer or state's attorneys. helps establishes the necessary safeguards to ensure that this legal system is not weaponized by civilians against fellow civilians. We cannot have equal justice under the law with a process that includes so little vetting and due diligence over allegations that may significantly lack merit.

For these reasons, I urge the committee to provide Senate Bill 576 a favorable report.

⁸ See the [District Court Commissioner Employment Application](#).

⁹ https://mgaleg.maryland.gov/cmte_testimony/2024/jud/1H2Wux_1sgA4SjXCu67sb5pp2CChAiSKR.pdf