



Maryland State's Attorneys' Association

3300 North Ridge Road, Suite 185

Ellicott City, Maryland 21043

410-203-9881

FAX 410-203-9891

Rich Gibson
President

Steven I. Kroll
Coordinator

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BILL NUMBER: SB 567

POSITION: Favorable with Amendment

The Maryland State's Attorneys' Association (MSAA) supports Senate Bill 567 with the inclusion of an amendment that would permit a district court commissioner to issue a warrant if he or she finds probable cause to believe that a crime of violence, as defined in MD. CODE ANN., PUB. SAFETY ("PS") § 5-101(c), has occurred.

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, 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 institutions 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 establishes such a guardrail by preventing 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. By amending SB 567 to permit a district court commissioner to issue a warrant if he or she finds probable cause to believe that a crime of violence, as defined in PS § 5-101(c), has occurred, this bill would balance the need to protect the safety of crime victims with the rights of the accused in criminal cases instituted through the commissioner complaint process.