

HOUSE BILL 366

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HB 1599/20 – HRU

(PRE-FILED)

By: **Delegates Cardin and Crutchfield**

Requested: October 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 27, 2021

CHAPTER _____

1 AN ACT concerning

2 **District Court Commissioners – Arrest Warrants – Recall and Issuance of a**
3 **Summons**

4 FOR the purpose of authorizing a judge of the District Court or a judge of a circuit court,
5 on a certain finding, to recall an arrest warrant issued by a District Court
6 commissioner and issue a summons in its place; and generally relating to arrest
7 warrants issued by District Court commissioners.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 2–607(c)
11 Annotated Code of Maryland
12 (2020 Replacement Volume)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

15 **Article – Courts and Judicial Proceedings**

16 2–607.

17 (c) (1) A commissioner shall receive applications and determine probable
18 cause for the issuance of charging documents.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2) A commissioner shall advise arrested persons of their constitutional rights, set bond or commit persons to jail in default of bond or release them on personal recognizance if circumstances warrant, and conduct investigations and inquiries into the circumstances of any matter presented to the commissioner in order to determine if probable cause exists for the issuance of a charging document, warrant, or criminal summons and, in general, perform all the functions of committing magistrates as exercised by the justices of the peace prior to July 5, 1971.

(3) There shall be in each county, at all times, one or more commissioners available for the convenience of the public and police in obtaining charging documents, warrants, or criminal summonses and to advise arrested persons of their rights as required by law.

(4) A commissioner may exercise the powers of office in any county to which the commissioner is assigned by the Chief Judge of the District Court or a designee of the Chief Judge of the District Court.

(5) The Chief Judge of the District Court may authorize one or more commissioners to perform the duties of a commissioner regarding persons arrested in a county other than the county in which the commissioner resides and for which the commissioner was appointed when the arrested persons are brought before the commissioner by a peace officer of the jurisdiction in which that arrest was made.

(6) (i) An individual may file an application for a statement of charges with a District Court commissioner.

(ii) On review of an application for a statement of charges, a District Court commissioner may issue a summons or an arrest warrant.

(iii) A District Court commissioner may issue an arrest warrant only on a finding that:

1. There is probable cause to believe that the defendant committed the offense charged in the charging document; and

2. A. The defendant previously has failed to respond to a summons that has been personally served or a citation;

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;

C. The defendant is in custody for another offense; or

D. There is probable cause to believe that the defendant poses a danger to another person or to the community.

(IV) ON A FINDING OF GOOD CAUSE, A JUDGE OF THE DISTRICT

1 COURT OR A JUDGE OF A CIRCUIT COURT MAY RECALL AN ARREST WARRANT ISSUED
2 BY A DISTRICT COURT COMMISSIONER UNDER THIS PARAGRAPH AND ISSUE A
3 SUMMONS IN ITS PLACE.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.