

HOUSE BILL 1183

E2

4lr3325

By: **Delegates Addison, J. Long, Pasteur, and Young**

Introduced and read first time: February 8, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – District Court Commissioners and False Statements**

3 FOR the purpose of prohibiting a District Court commissioner from issuing an arrest
4 warrant to an individual other than a police officer or a State's Attorney; altering the
5 penalty for making a certain false statement or report to a certain governmental
6 official or unit; and generally relating to District Court commissioners and false
7 statements.

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 and 2023 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Law
15 Section 9–503
16 Annotated Code of Maryland
17 (2021 Replacement Volume and 2023 Supplement)

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

20 **Article – Courts and Judicial Proceedings**

21 2–607.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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;

2. THE INDIVIDUAL FILING THE APPLICATION FOR A STATEMENT OF CHARGES IS A POLICE OFFICER AS DEFINED IN § 3-201 OF THE PUBLIC SAFETY ARTICLE OR A STATE'S ATTORNEY; and

[2.] 3.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 Court or a judge of a circuit court may recall an arrest warrant issued by a District Court commissioner under this paragraph and issue a summons in its place.

Article – Criminal Law

9–503.

(a) A person may not make, or cause to be made, a statement or report that the person knows to be false as a whole or in material part to an official or unit of the State or of a county, municipal corporation, or other political subdivision of the State that a crime has been committed or that a condition imminently dangerous to public safety or health exists, with the intent that the official or unit investigate, consider, or take action in connection with that statement or report.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding [6 months] **3 YEARS** or a fine not exceeding \$500 or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.