

# SENATE BILL 862

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HB 1599/20 – HRU

1lr1859

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By: **Senator Waldstreicher**

Introduced and read first time: February 9, 2021

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Arrest Warrants Issued by District Court Commissioners – Recall by Judge**

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

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

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

14 **Article – Courts and Judicial Proceedings**

15 2–607.

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

23 B. The whereabouts of the defendant are unknown and the  
24 issuance of a warrant is necessary to subject the defendant to the jurisdiction of the court;

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

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

28 **(IV) ON A FINDING OF GOOD CAUSE, A JUDGE OF THE DISTRICT**  
29 **COURT OR A JUDGE OF A CIRCUIT COURT MAY RECALL AN ARREST WARRANT ISSUED**  
30 **BY A DISTRICT COURT COMMISSIONER UNDER THIS PARAGRAPH AND ISSUE A**  
31 **SUMMONS IN ITS PLACE.**

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