

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 862

(Senator Waldstreicher)

Judicial Proceedings

Judiciary

Arrest Warrants Issued by District Court Commissioners - Recall by Judge

This bill authorizes a District Court judge or a circuit court judge, on a finding of good cause, to recall an arrest warrant issued by a District Court commissioner and issue a summons in its place.

Fiscal Summary

State Effect: The bill is procedural and does not materially affect State finances or operations.

Local Effect: The bill is procedural and does not materially affect local finances or operations.

Small Business Effect: None.

Analysis

Current Law: An individual may file an application for a statement of charges with a District Court commissioner. After reviewing an application for a statement of charges, a District Court commissioner may issue a summons or an arrest warrant. A District Court commissioner may issue an arrest warrant only if the commissioner finds that there is probable cause to believe that the defendant committed the offense charged in the charging document and (1) the defendant previously failed to respond to a summons or citation; (2) the defendant's whereabouts are unknown and the issuance of a warrant is necessary to subject the defendant to the court's jurisdiction; (3) the defendant is in custody for another offense; or (4) there is probable cause to believe that the defendant poses a danger to another person or to the community.

Additional Information

Prior Introductions: HB 1599 of 2020, a similar bill, was referred to the House Rules and Executive Nominations Committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): Harford, Montgomery, and Wicomico counties; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2021
rh/jkb Third Reader - March 22, 2021

Analysis by: Amy A. Devadas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510