

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 195
Judiciary

(Delegate Wilson)

Criminal Procedure - District Court Commissioners - Issuance of Arrest
Warrant

This bill establishes that only a police officer may file an application for a statement of charges with a District Court commissioner and repeals the authority of a District Court commissioner to issue an arrest warrant.

Fiscal Summary

State Effect: State expenditures are not anticipated to be materially affected, but the bill has an operational impact on affected agencies, as discussed below. Revenues are not affected.

Local Effect: Potential significant increase in expenditures for some local law enforcement agencies, as discussed below. Revenues are not affected.

Small Business Effect: Minimal.

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.

State Expenditures: While the bill is not anticipated to materially affect State expenditures, the bill affects the operations of State law enforcement agencies and the District Court.

Exhibit 1 contains information on applications for statements of charges received by District Court commissioners and arrest warrants issued by District Court commissioners.

Exhibit 1
District Court Commissioners
Applications for Statement of Charges Received and Arrest Warrants Issued

	<u>Received from</u> <u>03/31/2019-12/31/2019</u>	<u>Received from</u> <u>03/31/2020-12/31/2020</u>
Total Number of Applications for Statement of Charges Received by Commissioners	46,784	38,716
Non-police Applications for Statement of Charges Received by Commissioners	18,261	13,909
Number of Arrest Warrants Issued by the Commissioner's Office	20,842	17,193

Source: Maryland Judiciary

District Court commissioners are available at all hours on every day of the week; judges are only available during standard court hours (Monday through Friday, 8:30 a.m. to 4:30 p.m.). Prohibiting commissioners from issuing arrest warrants results in delays, increases workloads for judges, and requires judges to reorganize and adjust their schedules.

Prohibiting a person other than a police officer from filing an application for a statement of charges means that a police officer will be required to engage in the application process on behalf of an individual who is currently authorized to handle the matter independently.

The Department of State Police (DSP) advises that the bill requires an operational change to police procedures. In general, after taking a report for a crime, DSP officers refer victims to the commissioner's office to complete an application for a statement of charges for a summons or a warrant depending on the severity of the allegations. DSP advises that the bill takes officers out of service for longer periods of time by requiring them to complete the application for a statement of charges in all of these cases and deliver the applications to the appropriate courthouse.

Local Expenditures: Similar operational issues apply to local law enforcement agencies. However, the fiscal impact of the bill appears to vary by jurisdiction, with some jurisdictions anticipating a significant fiscal impact.

While the Baltimore Police Department and the Wicomico County Sheriff's Office advise that the bill is unlikely to have an impact on their agencies, Harford and Montgomery counties anticipate a significant fiscal impact from the bill. Harford County advises that the increased police call volume from cases that are currently being handled between the complainant and a District Court commissioner (*e.g.*, shoplifting, assaults, and theft) requires the addition of 20 to 30 deputies. Montgomery County advises that the bill greatly increases overtime and workload, since officers routinely advise citizens to get their own warrants, especially in matters that are not directly witnessed by the police officer.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Baltimore City; Harford, Montgomery, and Wicomico counties; Judiciary (Administrative Office of the Courts); Department of State Police; Department of Legislative Services

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Analysis by: Amy A. Devadas

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