

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1183  
Judiciary

(Delegate Addison, *et al.*)

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**Criminal Procedure - District Court Commissioners and False Statements**

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This bill prohibits a District Court commissioner from issuing an arrest warrant to an individual other than a police officer or a State’s Attorney. The bill also increases the incarceration penalty for making a false statement to a public official under § 9-503 of the Criminal Law Article from imprisonment for up to six months to imprisonment for up to three years; the bill retains the \$500 maximum fine for that offense.

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**Fiscal Summary**

**State Effect:** The bill may have an operational effect on the courts, as discussed below. Otherwise, the bill is not expected to materially affect State finances or operations.

**Local Effect:** The bill may affect operations for local law enforcement and State’s Attorneys’ offices and minimally increase expenditures for local law enforcement, as discussed below.

**Small Business Effect:** None.

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**Analysis**

**Current Law:**

*Charging Documents and Warrants*

The issuance of a charging document, regardless of whether an individual is arrested, formally initiates the criminal process. The charging document is a written accusation

alleging that the defendant has committed a crime. A charging document may be in the form of a citation, a statement of charges, an information, or an indictment.

A judicial officer may file a statement of charges with the District Court based on an application by a law enforcement officer or any other individual. The application contains an affidavit required to demonstrate probable cause that the defendant committed the crime charged. Although the judicial officer may be a judge, it is more likely that the officer is a District Court commissioner. District Court commissioners are available 24 hours per day for judicial duties. The judicial officer has the authority to determine whether the application establishes probable cause, and, on such a finding, issues a summons or an arrest warrant.

However, 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. On a finding of good cause, a District Court or circuit court judge may recall an arrest warrant issued by a District Court commissioner and issue a summons in its place.

A summons notifies the defendant of the time and place to appear in court for a preliminary hearing. It may be served on the defendant by mail or in person.

*Section 9-503 (False Statements – To Public Official Concerning Crime or Hazard)*

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 government, as specified, concerning the commission of a crime or the existence of a condition that is imminently dangerous to public safety or health, with the intent that the official or unit investigate, consider, or act upon the statement or report. A violator is guilty of a misdemeanor, punishable by imprisonment for up to six months and/or a \$500 maximum fine.

**State Fiscal Effect:** **Exhibit 1** contains statistics on the number of applications for statement of charges and arrest warrants issued by District Court commissioners in fiscal 2022 and 2023.

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**Exhibit 1**  
**District Court Commissioners**  
**Applications for Statements of Charges and Arrest Warrants**  
**Fiscal 2022 and 2023**

	<u><b>FY 2022</b></u>	<u><b>FY 2023</b></u>
Total Number of Applications for Statement of Charges Received by District Court Commissioners	51,337	53,508
Nonpolice Applications for Statement of Charges Received by District Court Commissioners	18,996	19,452
Total Number of Arrest Warrants Issued by District Court Commissioners (to everyone)	23,918	24,347

Source: Maryland Judiciary

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According to the Judiciary, law enforcement or other organizations often refer individuals to District Court commissioners to file an application for charges when an officer has not witnessed an alleged event. Individuals are also often referred to commissioners to obtain peace or protective orders (when the courts are closed) with very little involvement by law enforcement, if any. Commissioners sometimes issue warrants if they identify applicable charges through an application for a peace or protective order.

The bill prohibits a commissioner from issuing an arrest warrant if an ordinary citizen files an application for a statement of charges, instead authorizing only the issuance of a summons. The Judiciary advises that if a summons is issued, it may or may not be served expeditiously, does not ensure presentment of the defendant to the court, and provides no protections for victims/complainants.

**Local Fiscal Effect:** The bill may alter filing practices for local law enforcement and State’s Attorneys’ offices. As noted above, these entities often refer individuals to a commissioner to file an application for a statement of charges on their own. Under the bill, these entities may need to file these applications in certain cases. Baltimore City advises generally that the bill results in an operational impact and increased overtime costs for Baltimore Police Department officers to spend additional hours at offices for District Court commissioners. For purposes of this analysis, it is assumed that any potential expenditures

are minimal. Harford and Montgomery counties do not anticipate a fiscal impact from the bill.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced during the last three years.

**Designated Cross File:** None.

**Information Source(s):** Baltimore City; Harford and Montgomery 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 - March 3, 2024  
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