

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 21
Judiciary

(Delegate Addison)

Criminal Procedure – District Court Commissioners and False Statements

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.

Fiscal Summary

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

Local Effect: Any potential operational effects, as discussed below, are anticipated to be minimal and not materially affect local government finances.

Small Business Effect: None.

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 that has been personally served or a 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 2023 and 2024.

Exhibit 1
District Court Commissioners
Applications for Statements of Charges and Arrest Warrants
Fiscal 2023 and 2024

	<u>FY 2023</u>	<u>FY 2024</u>
Total Number of Applications for Statement of Charges Received by District Court Commissioners	53,508	54,864
Nonpolice Applications for Statement of Charges Received by District Court Commissioners	19,452	19,853
Total Number of Arrest Warrants Issued by District Court Commissioners (to everyone)	24,347	25,752

Source: Maryland Judiciary

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.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1183 of 2024.

Designated Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Charles, Dorchester, Garrett, and Howard counties; Maryland Association of Counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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