

Testimony on SB862

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on SB862.

Under the current law, a District Court commissioner may issue an arrest warrant only on a finding that (1) there is probable cause to believe that the defendant committed the offense charged in the charging document; and (A) the defendant previously has failed to respond to a summons that has been personally served or a citation; *or* (B) the whereabouts of the defendant are unknown and the issuance of a warrant is necessary to subject the defendant to the jurisdiction of the court; (C) the defendant is in custody for another offense; or (D) there is probable cause to believe that the defendant poses a danger to another person or to the community.

By allowing a District Court or Circuit Court judge to recall an arrest warrant and issue a summons in its place, on a finding of good cause, it will free up our backed-up court docket, overpopulated detention centers, and overworked law enforcement officers. It seems like a waste of resources to issue an arrest warrant for a defendant who is already in custody for another offense.

Depending on the crime the defendant is being charged with, most individuals that are arrested pursuant to an arrest warrant are released from custody when they appear before a bail commissioner.

Issuing a summons in the place of an arrest warrant will allow defendants to prepare for their day in court without the restraints of incarceration. It will also assist defendants who do not have the financial means to post bail after a commissioner has set one.

This change will likely have no effect on crime rates because the defendants who are considered dangerous enough will be held without bail after being arrested pursuant to a warrant.

Because of their extensive knowledge and impartial decision-making skills, a judge is best suited to apply the law in determining whether an arrest warrant should be recalled, and a summons should be issued in its place.

For these reasons, the Maryland Office of the Public Defender urges a favorable report on **SB862**.