

Maryland Criminal Defense Attorneys' Association



MD Senate -Judicial Proceedings Committee

March 3, 2021

Hearing on SB 862

District Court Commissioners - Warrant Recall

MCDAA POSITION: SUPPORT

Brief bill explanation: This bill codifies the ability of Maryland District Court and Circuit Court Judges to recall a warrant issued by a District Court Commissioner, and to issue a summons in its place. This bill clarifies the current law and common practice for many years throughout the state.

Background: Recently, some judges in Montgomery County have denied a request for the issuance of a summons based on their lack of jurisdiction to do so. The administrative judge for the District Court in Montgomery issued a directive to members of the bar, indicating that requests to quash commissioners' warrants would not be granted.

MCDAA's Position: Laws should be applied equally and consistently in courts throughout the state. When courts begin treating the same procedural law differently, the legislature should take action and clarify the intent of the law. The ability to recall a Commissioner's warrant and issue a summons is not explicitly laid out in the statute, though it has been the common practice for jurists to do so in nearly every court, both Circuit and District, throughout the state. This bill addresses the issue plainly, by directly stating that a judge MAY recall a warrant issued by a Commissioner, and issue a summons in its place. Passage of this bill will ensure that the same Commissioner's warrant recall procedures and standards are followed in all of our courts.

For additional information or questions regarding this legislation, please contact MCDAA Government Relations Contact John Giannetti 410.300.6393, JohnGiannetti.mcdaa@gmail.com or MCDAA legislative policy leader Erica Suter, 202.468.6640 erica@ericasuterlaw.com