

**SB 862.pdf**

Uploaded by: Fraser, Stanford

Position: FAV

## **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**.

**sb862 support warrant recall.pdf**

Uploaded by: Giannetti , John

Position: FAV

# 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](mailto:JohnGiannetti.mcdaa@gmail.com) or MCDAA legislative policy leader Erica Suter, 202.468.6640 [erica@ericasuterlaw.com](mailto:erica@ericasuterlaw.com)

# **SB 862 - Arrest Warrants Issued by Commissioners.p**

Uploaded by: Shellenberger, Scott

Position: FAV

**Bill Number: SB 862**  
**Scott D. Shellenberger, State's Attorney for Baltimore County**  
**Support**

**WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,**  
**STATE'S ATTORNEY FOR BALTIMORE COUNTY,**  
**IN SUPPORT OF SENATE BILL 862**  
**ARREST WARRANTS ISSUED BY DISTRICT COMMISSIONERS – RECALL**  
**BY JUDGE**

I write in support of Senate Bill 862 that permits a District Court or Circuit Court Judge to withdraw an arrest warrant issued by a commissioner. As a practical matter, this is currently being done in Baltimore County and most other jurisdictions. While it is a common practice, it certainly does not hurt to codify it so that someone in the future cannot take the position that there is no rule or law authorizing it. This is good common sense.

I request a favorable report.