

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 336
Judiciary

(Delegate Addison, *et al.*)

Judicial Proceedings

Criminal Procedure - District Court - Issuance of Summonses and Arrest
Warrants

This bill prohibits a District Court commissioner from issuing an arrest warrant based on an application for a statement of charges filed by an individual who is not a police officer or a State’s Attorney and establishes a new procedure for the issuance of a criminal summons or arrest warrant by the District Court under these circumstances. The bill also requires the Maryland Judiciary to report specified data to the General Assembly on an annual basis beginning March 1, 2027.

Fiscal Summary

State Effect: General fund expenditures increase by \$276,000 in fiscal 2027 only for one-time computer programming. The bill also has an operational effect on the courts. Revenues are not affected.

Local Effect: As discussed below, the bill has an operational effect on State’s Attorneys’ offices and local law enforcement. This estimate presumes that any such effect does not materially affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary:

Issuance of Criminal Summonses and Arrest Warrants

On review of an application for a statement of charges submitted by an individual who is not a police officer or a State’s Attorney, a District Court commissioner (1) may issue a

summons, if the commissioner determines that there is probable cause that the defendant committed the offense or offenses charged in the charging document; (2) may *not* issue an arrest warrant; and (3) must refer an application for a statement of charges for which a summons was issued to the State's Attorney's office for review and a prompt determination of whether a request for an arrest warrant must be made, if the commissioner finds that there is probable cause to believe that the defendant poses a danger to another person or to the community.

On receipt of an application for a statement of charges, the State's Attorney must review the case as soon as practicable but *no later than within 72 hours* to determine whether to request that a District Court or circuit court judge issue an arrest warrant. On a finding of good cause, a judge may convert a summons to an arrest warrant. The District Court must inform a victim of crime whether charges have been issued in response to an application for a statement of charges filed by the victim.

Reporting Requirement

Beginning in 2027, by March 1 of each year, the Maryland Judiciary must report to the General Assembly the following data for the preceding calendar year, disaggregated by county, and by the race, sex, and age of defendants:

- the number of applications for a statement of charges filed, including information on the individual who filed the application and the outcome of the application, as specified;
- for each summons and arrest warrant issued, whether the arrest warrant was issued by a judge or a commissioner and whether there was a request to recall the summons or arrest warrant (and the result of each recall request); and
- the final disposition of the case.

Current Law: 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.

State Fiscal Effect: General fund expenditures increase by \$276,010 in fiscal 2027 only for one-time computer programming for the Judiciary to implement the bill's data reporting requirement (\$69,266) and the multi-agency process for summonses and arrest warrants based on civilian applications for statements of charges (\$206,744). With this programming, District Court commissioners can coordinate and track requests with State's Attorney's offices in 24 jurisdictions, and the District Court can notify filers of any change from a summons to a warrant after the completion of the 72-hour review period by State's Attorneys.

Exhibit 1 contains statistics on the number of applications for statement of charges and arrest warrants issued by District Court commissioners in fiscal 2024 and 2025. As noted below, in fiscal 2025, District Court commissioners received 18,394 nonpolice applications for statements of charges. Under the bill, commissioners would not be able to issue warrants for any of those applications. Instead, a commissioner may issue a criminal summons upon a finding of probable cause, and the summons must be reviewed by the appropriate State's Attorney for possible issuance of an arrest warrant.

Exhibit 1
District Court Commissioners
Applications for Statements of Charges and Arrest Warrants
Fiscal 2024 and 2025

	<u>FY 2024</u>	<u>FY 2025</u>
Total Number of Applications for Statement of Charges Received by District Court Commissioners	54,864	53,300
<i>Nonpolice Applications for Statement of Charges Received by District Court Commissioners</i>	<i>19,853</i>	<i>18,394</i>
Total Number of Arrest Warrants Issued by District Court Commissioners (<i>to everyone</i>)	25,752	25,473

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, which is then reviewed by a State’s Attorney for a possible arrest warrant to be issued by a judge. 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 procedures established under the bill have an operational effect on State’s Attorneys’ offices due to (1) the required review of criminal summonses issued by District Court commissioners based on civilian applications for a statement of charges and (2) the alteration of 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 not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

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