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February 3, 2026

**TO:** The Honorable J. Sandy Bartlett  
Chair, Judiciary Committee

**FROM:** Tiffany Clark  
Director, Legislative Affairs, Office of the Attorney General

**RE:** House Bill 336 - Criminal Procedure – District Court Commissioners and  
False Statements- (Support with Amendments)

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The Office of the Attorney General (OAG) supports with amendments **House Bill 336 - Criminal Procedure - District Court Commissioners and False Statements**, which would prohibit district court commissioners from issuing arrest warrants based on private criminal complaints filed by citizens. HB 336 proposes to reform the charging process by ensuring that arrest warrants stemming from citizen complaints receive appropriate review before issuance.

As Maryland's elected Chief Legal Officer, the Attorney General supervises and directs the legal business of the State. The OAG advises and represents State institutions, agencies, boards, commissions, and officials, while representing Maryland's interests in state and federal litigation. The OAG uses its authority to enforce the rule of law, protect Marylanders, and promote the public good.

**Addressing Racial Disparities and Unnecessary Pretrial Detention**

This legislation directly supports our efforts to address racial disparities in Maryland's criminal justice system and reduce unnecessary pretrial detention, which are critical priorities identified by the Maryland Equitable Justice Collaborative (MEJC). In December 2024, the MEJC approved 18 recommendations for legislative and agency reforms designed to reduce the mass incarceration of Black men and women and other marginalized groups in Maryland prisons and jails. **MEJC Recommendation No. 6 specifically calls for reducing unnecessary pretrial**

## **confinement by establishing a uniform civilian complaint review process across all State's Attorney's Offices.**

Maryland's pretrial system disproportionately confines Black people, with racial disparities embedded in procedural delays, prosecutorial practices, and pretrial decision-making. The civilian complaint process significantly contributes to rising pretrial incarceration rates for individuals who often end up neither prosecuted nor convicted. Under current law, anyone can initiate criminal charges by filing a statement of probable cause with a district court commissioner—without corroborating documentation, prior investigation, or prosecutorial review. In fiscal year 2025, approximately 18,394 nonpolice applications for statements of charges were filed with commissioners, representing over one-third of all charging applications.

This lack of oversight creates systemic problems. Criminal cases initiated by law enforcement typically undergo investigation and review before charges are filed, while citizen complaints may bypass this scrutiny entirely. The ability to secure an arrest warrant without independent verification creates potential for abuse—whether through frivolous complaints, misunderstanding of the law, personal bias, or intentional misuse of the process. Research demonstrates that private citizen complaints can lead to arrests driven by bias or malicious intent, disproportionately affecting marginalized communities, particularly Black people.

By standardizing the warrant application process and requiring applications to be submitted through official channels such as police officers or State's Attorneys, HB 336 would reduce subjective decision-making that contributes to racial disparities. This formalized process would ensure complaints are evaluated based on objective criteria, minimizing the influence of personal or racial biases in determining whether arrest warrants should be issued. The reform would particularly help address unnecessary pretrial detention for low-level offenses, which has been a significant driver of pretrial detention rates for Black and Latinx communities.

### **Balancing Reform with Access to Justice**

The OAG recognizes the critical concerns raised by victims' advocates, particularly regarding survivors of sexual assault and domestic violence who may not be able to rely on law enforcement to file charges or who need access to justice when courts are closed and State's Attorneys are unavailable. We understand that in certain cases—including fourth-degree sex offenses, protective order violations, and other offenses where law enforcement may decline to investigate—the current citizen complaint process serves as an essential safety mechanism.

HB 336 strikes an important balance by preserving citizens' ability to initiate criminal complaints while ensuring that the serious step of issuing an arrest warrant receives appropriate scrutiny. Commissioners would retain authority to issue summonses for citizen complaints, ensuring access to the courts remains available. However, we acknowledge that certain categories of cases may warrant special consideration to protect victim safety while maintaining the bill's core reform objectives.

We understand the sponsor is considering potential carve-outs for specific types of complaints where immediate arrest authority may be necessary to protect public safety. The OAG is

supportive of working with the Committee, the sponsor, and stakeholders—including victims' advocates—to identify appropriate circumstances where exceptions may be warranted, while ensuring any such exceptions are narrowly tailored and include sufficient safeguards against abuse.

### **Concerns Regarding Enhanced Penalties**

While we support the warrant reform provisions of HB 336, the OAG has concerns about the portion of the bill that increases the maximum incarceration penalty for making false statements to a public official from six months to three years. We do not believe that enhanced penalties are effective strategies for deterring criminal activity. Research consistently demonstrates that certainty of consequences, rather than severity of punishment, drives deterrence. Moreover, enhanced penalties contribute to mass incarceration and exacerbate racial disparities in the criminal justice system—outcomes that run counter to the equity objectives underlying the warrant reform provisions of this legislation.

We believe the existing penalty structure, combined with the procedural reforms that reduce opportunities for abuse of the complaint process, provides adequate deterrence against false statements. We respectfully urge the Committee to consider removing the enhanced penalty provision while advancing the critical warrant reform elements of the bill.

### **Conclusion**

The OAG believes the warrant reform provisions of this bill will promote greater consistency and fairness in charging decisions, reduce racial disparities in pretrial detention, minimize potential abuse of the complaint process, and ensure that arrest warrants are issued only after appropriate scrutiny. These reforms align with the evidence-based recommendations of the Maryland Equitable Justice Collaborative and represent a meaningful step toward a more equitable criminal justice system.

We appreciate the General Assembly's work on this important policy and welcome the opportunity to continue dialogue on potential refinements that protect both defendants' rights to fair process and victims' access to justice and safety. For the foregoing reasons, the Office of the Attorney General respectfully urges the Committee to give **House Bill 336** a favorable with amendments report.

Cc: Members of the Committee