



BILL NO: House Bill 336
TITLE: Criminal Procedure - District Court Commissioners and False Statements
COMMITTEE: Judiciary
HEARING DATE: February 3, 2026
POSITION: **OPPOSE**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the House Judiciary Committee to issue an unfavorable report on HB 336.**

House Bill 336 would prohibit a District Court Commissioner from issuing an arrest warrant to an individual other than a police officer or a State's Attorney. It would also increase the penalty for making a false statement or report to a certain governmental official or unit from 6 months to up to 3 years imprisonment. The impact of this legislation, if passed, could be devastating to a victim of domestic violence.

From testimony last year in HB 21 and from conversations in the interim it appears the goal of this bill is to prevent false statements by citizens seeking a statement of charges from a commissioner and stating facts that lead to a warrant being issued rather than a summons. *We agree that false statements can cause harmful and traumatizing behavior*, and our own clients experience this all too frequently when abusers bring false charges against them. However, we have grave concerns about the safety and even lives of true victims who should get a warrant and would only be able to get a summons.

We understand that amendments from HB 21 last year are back up for consideration this year. We do not believe those amendments will prevent the harm that the proponents of this bill are trying to fix. The amendments considered would create an exception for domestic violence victims. In other words, a domestic violence victim could file a statement of charges and if appropriate a warrant rather than a summons would be issued. However, the case would go to the State's Attorney within 72 hours for investigation. This is laudable, but the person may still be arrested and jailed under the warrant while that investigation is going on and it therefore does not prevent the harm to an innocent person. However, if it were inverse - only a summons would be issued but an investigation would happen within 72 hours - the harm to a true victim could be fatal.

Sadly, this exception does not solve the purported problem that proponents of this bill are trying to fix – false charges resulting in a warrant and causing havoc for someone who really did not do what they are accused of doing. **There has to be another way - expanding commissioner's ability to investigate? Having a State's attorney on call for the Commissioner to contact? Contacting the duty judge (there is**

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someone on duty in every jurisdiction all night and weekends to review probable cause for issuing a warrant)?

Last year's hearing focused on why/when and whether the states' attorneys offices pursue charges against people who file false statements or commit perjury. We do not take a position on increasing the penalty in this bill, but we do think pursuing the false statements and perjury cases might give some bad actors pause. We also wish we had confidence that in an appropriate case law enforcement, if called, would go seek the charges in front of the commissioner themselves. However, our experience is that most of the time law enforcement won't or doesn't do so. In fact, there are times when they won't even file an incident report.

Victims escaping domestic violence need as many pathways to safety as possible. Access to the District Court Commissioners is one of the pathways to safety utilized by victims of domestic violence in Maryland, and HB 336 could put victims at greater risk. There are a variety of reasons why a victim may go to a District Court Commissioner rather than law enforcement, including that their abuser has made it impossible for them to call 911. Domestic violence is already vastly underreported. We should not risk the safety of victims and remove the ability for District Court Commissioners to issue arrest warrants when presented with the requisite probable cause that the defendant committed the underlying charge and other factors are met, such as probable cause to believe that the defendant poses a danger to another person or to the community.

Leaving an abuser is often the most dangerous time for a victim of domestic violence. Therefore, the removal of the possibility for a commissioner to issue an arrest warrant could be incredibly dangerous for a victim of domestic violence. One of the many reasons that a victim of domestic violence might not report abuse is due to subsequent violence they might experience if it is reported. By only permitting the issuance of a summons a victim might not be able to escape to safety. The abuser will be on notice that the victim reported the abuse and that a criminal case is pending.

On a side note, MNADV staffs the DVFRSIT (Domestic Violence Fatality State Implementation Team), a group of stakeholders from around the state that seeks to implement recommendations that arise from reviewing fatalities. Coming from all over the state, one of their recommendations addresses Commissioners:

- District Court Commissioners have been implicated in multiple recommendations emerging from local Domestic Violence Fatality Review Teams, underscoring the need for improved training, consistency, and survivor-centered practices within the commissioner system.

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- Key concerns include inconsistent decision-making within the commissioner system and the absence of clear, standardized practices in domestic violence cases.
- MD-DVFRSIT has identified the need for sustained, specialized domestic violence training for commissioners, including training on trauma-informed responses and lethality risk factors such as non-fatal strangulation.

Training is not a panacea for the issue addressed in HB 336, as it will not allow commissioners to go beyond the paper in front of them and the testimony given, but it would not hurt.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on HB 336.**