



Working to end sexual violence in Maryland

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Testimony Opposing House Bill 336
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge an unfavorable report on House Bill 336 unless Amended.

House Bill 336 – Commissioners and Safety for Victims of Abuse

House Bill 336 would eliminate the ability of a commissioner to issue an arrest warrant for a statement of charges brought by a non-law enforcement. Instead, only law enforcement or state's attorneys would be allowed to seek an arrest warrant (versus a summons) from a commissioner. Under current law, an individual is able to go to the commissioner and file a statement of charges. *The commissioner then must decide whether to issue an arrest warrant or whether to issue a summons.* An arrest warrant for an abuser can remove the abuser from the community and be life-saving for victims of domestic violence, including victims of sexual violence.

There is no question that reforms of the commissioner system are needed, however, Maryland should not endanger survivors as it seeks to fix the Commissioner system: that would be substituting one problem for another. Survivors continue to face far too many situations where their abuse is dismissed or minimized. They are regularly told to go to the Commissioner for relief. In 4th degree sex offense cases and even some felony sexual assault cases, sometimes law enforcement will not even make a report. States' Attorneys are typically not involved until later in the process and these offices are not staffed to provide the 24/7 coverage commissioners have. Survivors currently may also file a statement of charges for a violation of the protective orders, and depending on the facts, it could result in a warrant rather than a summons. This is another necessity for survivors.

Curtailing the ability for a victim to apply for charges and have an arrest warrant issued will remove an important tool that helps victims of abuse in the most serious cases. Our understanding is that amendments will be offered to continue to allow commissioners to issue arrest warrants when the applicant is a person eligible for relief under the protective order statute (Fam.L 4-501, et seq.). Importantly, amendments will also require that a prosecutor review any

cases where an arrest warrant is issued within a set amount of time (48-72 hours). This will provide an opportunity to ask the court to rescind the warrant and issue a summons in appropriate cases (and also allow the case to be assessed for perjurious statements when appropriate). If additional protections are necessary, such as review of previous cases by the commissioner, then these should be considered as well. MCASA believes these steps will provide a path towards further discussion of reform of the commissioner system without eviscerating a tool currently available for victims.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to report
unfavorably on House Bill 336 unless Amended**