

# SENATE BILL 739

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By: **Senator Folden**

Introduced and read first time: January 27, 2025

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence – Warrantless Arrests and Victims**

3 FOR the purpose of authorizing a police officer to arrest a certain person without a warrant  
4 if the police officer has probable cause to believe that the person battered another  
5 person with whom the person has had a sexual relationship within the past year;  
6 altering the definition of “victim of domestic violence” in provisions relating to a  
7 certain domestic violence program to include an individual who has received certain  
8 injuries from another individual with whom the individual has had a sexual  
9 relationship within the past year; and generally relating to domestic violence.

10 BY repealing and reenacting, with amendments,  
11 Article – Criminal Procedure  
12 Section 2–204(a)  
13 Annotated Code of Maryland  
14 (2018 Replacement Volume and 2024 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Family Law  
17 Section 4–513  
18 Annotated Code of Maryland  
19 (2019 Replacement Volume and 2024 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
21 That the Laws of Maryland read as follows:

22 **Article – Criminal Procedure**

23 2–204.

24 (a) A police officer without a warrant may arrest a person if:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (1) the police officer has probable cause to believe that:
- 2 (i) the person battered:
- 3 1. the person's spouse [or];
- 4 2. another person with whom the person resides; **OR**
- 5 3. **ANOTHER PERSON WITH WHOM THE PERSON HAS HAD**
- 6 **A SEXUAL RELATIONSHIP WITHIN THE PAST YEAR;**
- 7 (ii) there is evidence of physical injury; and
- 8 (iii) unless the person is arrested immediately, the person:
- 9 1. may not be apprehended;
- 10 2. may cause physical injury or property damage to another;
- 11 or
- 12 3. may tamper with, dispose of, or destroy evidence; and
- 13 (2) a report to the police was made within 48 hours of the alleged incident.

#### 14 **Article – Family Law**

15 4–513.

16 In this Part III of this subtitle, “victim of domestic violence” means an individual  
 17 who has received deliberate, severe, and demonstrable physical injury, or is in fear of  
 18 imminent deliberate, severe, and demonstrable physical injury from:

- 19 (1) a current or former spouse[, or];
- 20 (2) a current or former cohabitant, as defined in § 4–501 of this subtitle;
- 21 **OR**
- 22 (3) **ANOTHER INDIVIDUAL WITH WHOM THE INDIVIDUAL HAS HAD A**
- 23 **SEXUAL RELATIONSHIP WITHIN THE PAST YEAR.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 25 October 1, 2025.