

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 129
(Senator Folden)
Judicial Proceedings

Domestic Violence - Warrantless Arrests and Victims

This bill authorizes a police officer to arrest a person without a warrant if the police officer has probable cause to believe that the person battered another person with whom the person has had a sexual relationship within the past year, subject to additional requirements in existing statute. The bill also expands the definition of a “victim of domestic violence” to include an individual who has received (or is in fear of) physical injury, as specified, from another individual with whom the individual has had a sexual relationship within the past year.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law:

Warrantless Arrests for Domestic Abuse

A police officer may arrest a person without a warrant if the police officer has probable cause to believe that (1) the person battered the person’s spouse or another person with whom the person resides; (2) there is evidence of physical injury; and (3) unless the person

is arrested immediately, the person may not be apprehended, may cause physical injury or property damage to another, or may tamper with, dispose of, or destroy evidence. A report to the police must have been made within 48 hours of the alleged incident.

If the police officer has probable cause to believe that mutual battery occurred and arrest is necessary under the circumstances specified above, the police officer must consider whether one of the persons acted in self-defense when determining whether to arrest the person whom the police officer believes to be the primary aggressor.

Victims of Domestic Violence

Statute requires the establishment of a program within the Governor's Office of Crime Prevention and Policy (GOCPP) to help victims of domestic violence and their children in each region of the State. Specifically, the program's purpose is to provide temporary shelter or help in obtaining shelter, counseling, information, referral, and rehabilitation. GOCPP is responsible for, among other tasks, supervising the program, setting standards of care and admission policies, and monitoring the operation of the program and annually evaluating its effectiveness.

Under provisions in the Family Law Article applicable to the aforementioned program, a "victim of domestic violence" is defined as an individual who has received deliberate, severe, and demonstrable physical injury, or is in fear of imminent deliberate, severe, and demonstrable physical injury from a current or former spouse, or a current or former cohabitant. "Cohabitan" means a person who has had a sexual relationship with the respondent and resided with the respondent in the home for a period of at least 90 days within one year before the filing of the petition.

Provisions in the Family Law Article that govern eligibility for domestic violence protective orders are based on an individual's status as a "person eligible for relief." A person eligible for relief includes an individual who has had a sexual relationship with the respondent within one year before the filing of a petition.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 739 of 2025.

Designated Cross File: None.

Information Source(s): Governor's Office of Crime Prevention and Policy; Judiciary (Administrative Office of the Courts); Department of Legislative Services

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gj/jkb

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