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**TESTIMONY IN OPPOSITION TO HOUSE BILL 195**

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The House of Ruth Maryland is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. House Bill 195 would change existing law to allow only police officers to file a statement of charges with a District Court commissioner and no longer allow the public to do so. In addition, it restricts commissioners to issuing only summons and would no longer allow them to issue warrants. **We urge the House Judiciary Committee to issue an unfavorable report on House Bill 195.**

Under current law, a member of the public can file criminal charges against another by completing an application for a statement of charges with the District Court Commissioner. HB 195 changes existing law so that only a police officer could file charges. If enacted, this new law would negatively impact victims of domestic violence in a number of ways.

Most domestic violence occurs in the privacy of people's homes and there are few if any witnesses. Often, there is no evidence that an incident occurred. Even if the victim is injured, the injuries may not be visible or the bruises may not develop until days later. It is rare that an incident of domestic violence occurs in the presence of a law enforcement officer. Current law enables victims of domestic violence to file charges against their abusers without the need to call police, but instead going directly to a District Court Commissioner. If, after reading the application for a statement of charges, the court commissioner finds probable cause to believe a crime was committed, the commissioner will issue either a summons (ordering the defendant to appear in court on a certain date) or a warrant (ordering law enforcement to arrest the defendant).

HB 195 would eliminate the victim's ability to file a statement of charges with a commissioner and would instead would require the victim to call law enforcement to file the statement of charges. This is highly problematic for several reasons. First, unless the officer arrives to the scene of the incident immediately and is able to observe visible injuries or signs of a disturbance, the officer will have no more information upon which to base the statement of charges than a commissioner would have if the victim files the statement of charges on her/his own. In other words, the statement of charges would still be based on the victim's report of the incident, but will require the extra step of involving a police officer instead of the victim going straight to the commissioner. Second, this system would create a great deal of extra and unnecessary work for law enforcement officers, who will either have to step away from their other duties to respond to citizens' request for statements of charges, or require police departments to assign an officer just

for this purpose. This is an ineffective use of police resources. Third, this would make police officers, not the judicial system, the gatekeepers to whether victims could pursue criminal charges for domestic violence. Before District Court commissioners were established, victims had to go to the local police precinct and convince the desk sergeant that they had been abused. If the sergeant did not believe the victim or want to take the time to deal with the situation, he could just refuse to file the charges. We do not want to go back to those archaic times. In addition to the problems engendered by requiring police to file all statements of charges, this bill also strips commissioners of the ability to issue arrest warrants and limits them to issuing summons only. This creates an outright risk to victims' safety. Often, victims are at greatest risk of being killed or seriously injured by their abusers in the hours, days and weeks after they leave. This risk may be heightened when victims report the abuse to other people, especially law enforcement and the courts. One of the things that can protect victims is when their abusers are arrested and therefore unable to get to them. If commissioners can only issue summons, victims will be in serious danger while they wait for their abusers' cases to go to trial. Commissioners must be able to issue arrest warrants under appropriate circumstances. If the General Assembly chooses to revamp the District Court commissioner system, it will need to put a new process in place to allow members of the public to file charges. HB 195 strips victims of crime of one of their important forms of recourse of safety. We cannot simply remove this process and replace it with nothing.

**The House of Ruth urges the House Judiciary Committee to issue an unfavorable report on House Bill 195.**