



BILL NO: House Bill 195
TITLE: Criminal Procedure - District Court Commissioners - Issuance of Arrest Warrant
COMMITTEE: Judiciary
HEARING DATE: February 9, 2021
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 195.**

House Bill 195 proposes drastic changes to the process for individuals to file an application for a statement of charges with a commissioner in the District Court. First, HB 195 removes from law the ability of any person other than a police officer from filing an application for a statement of charges with the District Court commissioner. Second, HB 195 removes from law the ability for a District Court commissioner to issue an arrest warrant pursuant to an application for a statement of charges. Under HB 195, if a police officer were to file a statement of charges on behalf of an individual the officer would only be able to obtain a summons. The impact of this legislation, if passed, could be devastating to a survivor of domestic violence.

Leaving an abuser is often the most dangerous time for a victim of domestic violence. Currently, a victim can file an application for a statement of charges directly with a District Court commissioner. Upon review and a determination of probable cause the commissioner can issue an arrest warrant or a summons or can find no probable cause exists. HB 195 completely forecloses the option for a victim of domestic violence to go to a commissioner for relief. Rather, a victim must go to the police under this bill and convince the police to file on their behalf. Domestic violence is already vastly underreported, we should leave open as many paths to safety for victims as possible.

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. The blanket removal of the ability for a District Court commissioner to issue an arrest warrant if it is needed for the safety of others could jeopardize the safety of the victim.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on HB 195.**

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