



## Testimony for the House Judiciary Committee

March 5, 2024

### HB 1183 - Criminal Procedure - District Court Commissioners and False Statements

#### FAVORABLE

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The ACLU of Maryland supports HB 1183, which would limit the issuance of arrest warrants to those generated in response to a statement of charges application solely by a police officer or states attorney. Currently, District Court Commissioners can issue arrest warrants based on a statement of charges application by anyone. As a result, innocent people can be arrested and entangled in the criminal legal system based on these applications alone. By limiting the issuance of arrest warrants to those generated in response to law enforcement or states attorney's statement of charges filing as opposed to those filed by any member of the public, necessary safeguards will be established and the process will be insulated from those looking to weaponize the criminal legal system against other civilians.

If you have had a crime committed against you, there are two main routes for redress through the criminal legal system. Firstly, one can file a police report. Secondly, one can file an *Application for Statement of Charges* with a District Court commissioner.<sup>1</sup> This path is utilized by many people and often abused. A 2014 report by the Commission to Reform Maryland's Pretrial System showed that in 2012, citizen complaints comprised 42.8% of the total charging documents issued by District Court Commissioners. In Prince George's County citizen complaints comprised 60% of charging documents.<sup>2</sup>

While people are encouraged to take the first route, people can and do file such applications and arrest warrants are often issued without any investigation or review conducted by law enforcement or the states attorney's office. That is because a thorough investigation is not a standard part of the process for consideration of citizen-initiated applications for statement of charges. This practice can lead to a runaway train of consequences for the

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<https://www.mdcourts.gov/sites/default/files/courtforms/district/forms/criminal/dccr001br.pdf/dccr001br.pdf>

<sup>2</sup> <http://goccp.maryland.gov/pretrial/documents/2014-pretrial-commission-final-report.pdf>



## Maryland

accused individual, who can be arrested based solely on the details in the application. These applications do warn against making false statements and such statements are punishable by imprisonment for up to 6 months, however there are few safeguards in place to ensure that these applications are properly vetted. Limiting the issuance of arrest warrants to those issued based on law enforcement or states attorney applications will establish a much-needed safeguard to ensure people are not arrested and entangled in the justice system without proper due diligence.

Moreover, HB 1183 will not diminish protections for victims of domestic violence or limit the routes through which they can find redress for the harm done to them. Under Md. Code, Crim. Proc. § 2-204, police officers do not need a warrant to arrest a person suspected of domestic violence under various circumstances. HB 1183 aims to establish a crucial checkpoint to mitigate the harm caused by wrongful arrests and unsubstantiated accusations, thereby promoting a more equitable and just society.

Additionally, we urge the Committee to consider a friendly amendment that would remove the increase in potential incarceration from 6 months to 3 years. Such increases in penalties are not proven to dissuade criminal conduct. Rather, the risk of being caught for criminal conduct is a more powerful deterrent. The rest of the bill ensures that accusations of criminal conduct are properly vetted through law enforcement investigatory procedures, deterring people from making false statements in the first place.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on HB 1183.