

## **Testimony for the Senate Judiciary Committee 2-5-**

Uploaded by: Beverly John

Position: FAV

**Testimony for Senate Judiciary Proceedings Committee**  
**Wednesday, February 5, 2025**  
**SB0567 – Criminal Procedure – District Court Commissioners**  
**FAVORABLE**

Dear Honorable Chair Smith, Vice-Chair Waldstreicher, and committee members:

My name is Beverly John. I am submitting this testimony on behalf of my family and community. I am a concerned community member, as well as a member of the Maryland Coalition for Justice and Police Accountability and the Prince George's County Coalition for Police Accountability.

I was here in Annapolis supporting my friends and colleagues who testified for this legislation last session. Little did I know I would find myself here this year, testifying for my daughter after she became a victim of a jealous woman who maliciously filed charge against her. There was no investigation into the incredible allegations. The State's Attorney did not prosecute. But now we are left seeking expungement before her employment is jeopardized.

We support HB0021 because community members need protection from others who weaponize the District Court Commissioner system maliciously. Some residents are fully aware of the ability to use a Commissioner in this way. The SA's office will frequently decide to not prosecute cases, but even when they do not move forward with prosecuting a case, extreme damage to the defendant's life has already been done. People have lost jobs and families while defending against false accusations. The financial burden of hiring an attorney, if you are fortunate enough to hire a private attorney, is devastating. The emotional and psychological stress is damaging, as well.

This legislation, if passed, would strengthen current legislation. Complainants would still be able to report incidents with the Commissioners. However, it is our hope that if a complainant understands that charges can only be made by law enforcement or the state's attorney, it may deter someone from filing false statements. Currently, too many people are filing false charges with no fear of accountability. This legislation is a first step in addressing this problem. It would allow the state's attorney's office to focus on prosecuting legitimate cases and working to resolve cases for those who deserve justice.

Therefore, we urge a "Favorable" vote on HB0021.

Thank you.

# **Written Testimony Favorable Bill SB0567.pdf**

Uploaded by: Brian Levy

Position: FAV



**NATASHA DARTIGUE**  
PUBLIC DEFENDER

**KEITH LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**MELISSA ROTHSTEIN**  
CHIEF OF EXTERNAL AFFAIRS

**ELIZABETH HILLIARD**  
DIRECTOR OF GOVERNMENT RELATIONS

## **POSITION ON PROPOSED LEGISLATION**

BILL: SB0567  
FROM: Maryland Office of the Public Defender  
POSITION: Favorable  
DATE: February 5, 2025

### **The Current System**

In Maryland any person, not just a police officer, can apply for criminal charges to be filed against someone by filling out an application in front of a District Court Commissioner. *See Md. Code Ann., Cts. & Jud. Proc. § 2-607.* The District Court Commissioner, a position that does not require one to be a lawyer, may then issue a summons, **or an arrest warrant**. At present, all that is required to issue an arrest warrant is that the commissioner find there is probable cause to believe the defendant committed the offenses charged, and that the accused has previously failed to respond to a served summons or citation, that there whereabouts are unknown and the warrant therefore necessary to subject them to the jurisdiction of the court, that the accused be in custody for another offense, or that there is probable cause to believe that the defendant poses a danger to another person or the community. *See Md. Code Ann., Cts. & Jud. Proc. § 2-607.*

In making that determination, the commissioner lacks any mandate or ability to investigate or in any way corroborate the allegations made. There is no requirement that the alleged victim or person making the application contact the police or any other investigative agency regarding the alleged crime(s), and in practice many applications for charges are filed for supposed incidents in which the police were never contacted.

### **The Problem**

As the District Court Commissioner lacks the ability to investigate the veracity of the allegations put before them, typically they simply assume whatever is alleged to be true. So, in situations in which someone accuses another of committing an act of violence, such as an assault, the commissioner will often issue a warrant for the arrest of the accused.

This system leads to the abuse of the commissioner charging system and the issuing of arrest warrants in cases that are not viable and oftentimes based on false allegations.

While the State's Attorney's Office ultimately will have the ability to review, investigate, and determine whether to go forward on charges filed by the District Court Commissioner, such rarely occurs prior to the arrest of the accused on the commissioner's warrant.

An arrest alone, even in cases later dismissed, or in which a person is ultimately found not guilty, can have extreme negative repercussions to include, but certainly not limited to: loss of employment; loss of housing; deprivation of pre-trial liberty; and the inflection of emotional trauma.

### The System Is Rife with Abuse

In my experience as a supervisor of public defenders in one of our State's busiest district courts, the commissioner charging system is abused most significantly by, although by no means exclusively by, perpetrators of domestic violence. I often see that where a perpetrator of domestic violence is criminally charged, or believes that they may be, that they will go and apply for false charges of assault (or other crimes) to be taken out against the victim of their abuse, causing those victims to be arrested.

Perpetrators of domestic violence very often have more agency than their victims. They often understand how to abuse the system and are often willing to do so. Whether to retaliate against their partners for accusations made against them, or as a tool of coercive control, or to escape from their own prosecutions, utterly meritless accusations of domestic violence are commonly made by the perpetrators of it, abusing the commissioner charging system we have and causing the unnecessary and unjust arrest of innocent individuals.

### A better system

Were the District Court Commissioners limited to issuing arrest warrants only in cases in which the application for charges were filed by the police or the State's Attorney, as is proposed by this bill, that would significantly reduce the number of instances in which arrest warrants are issued in meritless and false cases. Victims of crime can and should call the police, who if unable to arrest the perpetrator at the scene, would under this bill, still be able to apply for charges and an arrest warrant through the district court commissioner. The bill would also permit the State's Attorney to file charges and obtain an arrest warrant through the district court commissioner. Where the police, for whatever reason, are not willing to apply for charges, this bill would still permit a person to apply for charges through the District Court Commissioner. However, by limiting the commissioner's power to issuing a summons, except in cases filed by the police or the State's Attorney, we would protect a greater number of people from unnecessary arrest. \

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on the bill.**

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Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Brian E. Levy, Assistant Public Defender, District 1 Baltimore City.

Eastside District Court, 1400 E. North Ave., Baltimore, MD 21213. [Brian.Levy@maryland.gov](mailto:Brian.Levy@maryland.gov), 410-878-8617



# **Sen sydnor Fav Testimony for Senate Bill 567.pdf**

Uploaded by: Charles E. Sydnor III

Position: FAV

CHARLES E. SYDNOR III, ESQ.  
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Judicial Proceedings Committee  
Executive Nominations Committee

*Joint Committees*

Administrative, Executive, and  
Legislative Review

Children, Youth, and Families  
Senate Chair, Legislative Ethics

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony for Senate Bill 567**  
**Criminal Procedure- District Court Commissioners**  
**Before the Judicial Proceedings Committee**  
**February 5, 2025**

Good afternoon, Chair Smith, and esteemed members of the Judicial Proceedings Committee,

In Maryland, if a citizen wishes to take action for a crime committed against them, they have two options. They can file a report with the police department or they can file an application for statement of charges with a District Court Commissioner.<sup>1</sup> Notably, Maryland is in the minority of states that permit a civilian to institute a criminal proceeding through a District Court Commissioner. When reports are filed with police departments, police officers will review the report, determine if an investigation is warranted, gather evidence, and identify a suspect. If probable cause is determined, they are authorized to make an arrest. It is this second method for having arrests effectuated that Senate Bill 567 seeks to address.

Under current law, upon review of an application for a statement of charges, a District Court Commissioner may issue a summons or an arrest warrant.<sup>2</sup> Arrest warrants may be issued without the involvement of a police officer or a states attorney. To issue an arrest warrant, a District Court Commissioner must find that (1) there is probable cause to believe that the defendant committed the offense charged in the charging document;<sup>3</sup> and either: (2)(A) the defendant previously has failed to respond to a summons that has been personally served or a citation;<sup>4</sup> (2)(B) the whereabouts of the defendant are unknown and the issuance of a warrant is necessary to subject the defendant to the jurisdiction of the court;<sup>5</sup> (2)(C) the defendant is in custody for another offense;<sup>6</sup> or (2)(D) there is probable cause to believe that the defendant poses a danger to another person or to the community.<sup>7</sup>

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<sup>1</sup> Courts and Judicial Proceedings 2-607(c)(6)(i).

<sup>2</sup> Courts and Judicial Proceedings 2-607(c)(6)(ii).

<sup>3</sup> Courts and Judicial Proceedings 2-607(c)(6)(iii)(1).

<sup>4</sup> Courts and Judicial Proceedings 2-607(c)(6)(iii)(2)(A).

<sup>5</sup> Courts and Judicial Proceedings 2-607(c)(6)(iii)(2)(B).

<sup>6</sup> Courts and Judicial Proceedings 2-607(c)(6)(iii)(2)(C).

<sup>7</sup> Courts and Judicial Proceedings 2-607(c)(6)(iii)(2)(D).



Unfortunately, the current system has been weaponized by some members of the general public, wasting judicial resources and leading to arrests of individuals based entirely upon the details within the applications reviewed by a District Court Commissioner, who notably is not required to have a law degree..<sup>8</sup>

Last session, the Office of the Public Defender testified that it represented a woman:

who was the victim of domestic assault at the hands of her ex-husband. The week before [her] ex-husband's trial date, where she was to testify as to the abuse he had inflicted upon her, the ex-husband filed a false application for statement of charges against Jasmine, leading to her arrest. The arrest caused her to miss the trial date where she was scheduled to testify against her husband. The charges against [her] were later dismissed, but the damage had already been done.<sup>9</sup>

Senate Bill 567 addresses this very issue by adding an additional factor to the decision tree for when a District Court Commissioner may issue an arrest warrant. Senate Bill 567 narrows the individuals who may file an application for a statement of charges to a police officer or a state's attorney. The redefining of what individuals may file an application for a statement of charges to police officer or state's attorneys. helps establishes the necessary safeguards to ensure that this legal system is not weaponized by civilians against fellow civilians. We cannot have equal justice under the law with a process that includes so little vetting and due diligence over allegations that may significantly lack merit.

For these reasons, I urge the committee to provide Senate Bill 576 a favorable report.

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<sup>8</sup> See the [District Court Commissioner Employment Application](#).

<sup>9</sup> [https://mgaleg.maryland.gov/cmte\\_testimony/2024/jud/1H2Wux\\_1sgA4SjXCu67sb5pp2CChAiSKR.pdf](https://mgaleg.maryland.gov/cmte_testimony/2024/jud/1H2Wux_1sgA4SjXCu67sb5pp2CChAiSKR.pdf)

# **Krystal Hamlet - Testimony Senate Bill 567.pdf**

Uploaded by: Krystal Hamlet

Position: FAV

**Krystal Hamlet  
7514 Hearthside Way#227  
Elkridge, Maryland 21075**

**Monday, February 3, 2025**

**Maryland Senate  
11 Bladen Street  
Annapolis, Maryland 21401**

**RE: Senate Bill 567-Criminal Procedure-District Commissioners And False Statements**

Good Afternoon Distinguished Members Of The Senate -

My name is Krystal Hamlet and I am in full support of Senate Bill 567. Towards the end of 2024, I decided to end a toxic 8-year relationship with my son's father. Prior to ending the relationship, I had informed my ex, that I thought it would be best that we go our separate ways and just focus on being amazing co-parents. That's when the nightmare began.

On November 12, 2024-After becoming confrontational with me, in front of our son, he left our apartment (unbeknownst to me) and filed a Protective Order. On November 13, 2024-While I was working at home with our son, I was served the Protective Order by a Howard County Sheriff. The Protective Order included a false statement of Domestic Violence and other absurd untruths. Per the Protective Order, I was not allowed to talk to/harass and/or threaten HIM in any way. Let me not forget to mention-in 2023-my ex did the same thing. He filed a Protective Order against me based on a false statement. This in return, resulted in my son and I having to be temporarily displaced from the household and staying with my father, while my ex continued to stay in the apartment. An apartment where I was the only leaseholder and paid the rent. The impact of false statements can change your life in a matter of moments. Reminded by what I had to go through in 2023-and out of concern for my son and myself-I filed a Protective Order the same day. My Protective Order carried the same weight as his but I made it clear in my Protective Order that my ex needed to vacate the household immediately upon being served. He was officially served on November 17, 2024.

One morning while I was preparing for work at my father's house, I received a call from a Howard County Detective stating that I needed to turn myself in because there was a warrant out for my arrest. I remember saying: "ME? A warrant? Are you sure you have the right person?" The Detective then went on to tell me that my ex had went back to the Commissioner's Office on November 14, 2024 (the day after I filed my Protective Order)-and pressed charges against me for 1st and 2nd Degree Child Abuse. The shock. The agony. The upset. The anger!

How could someone stoop so low and nonetheless lie as a means to gain control over me through litigation abuse and false accusations? False accusations, especially something as serious as Child Abuse, can be incredibly damaging and stressful as you work towards dispelling the lies and restoring the truth.

My ex went back to the Commissioner's Office and filed fraudulent charges against me for Child Abuse out of retaliation towards me wanting to end the toxic relationship, filing for custody and a Protective Order against him. I later found out-he had been tracking my location via an iPhone Air Tag that he had placed in my car without my knowledge or consent. This is how he knew I was at the Commissioner's Office on November 13, 2024.

The law states that every person accused of a crime is presumed innocent unless and until his or her guilt is established beyond reasonable doubt. Yet, I was still treated like a criminal. Handcuffed and taken into custody. Fingerprinted and photos taken. The side eyes, rude comments and lack of support were unreal and very hurtful. I was innocent. There were no reports from CPS or any substantial evidence when it came to his allegations. Just his word over mine. I felt like I was being punished for trying to safely walk away from an abusive partner. The law didn't protect me, it applauded him. It's not fair that someone knows that they can walk into their local Commissioner's Office, falsify information via their written statement, swear by it, have their paperwork stamped and processed to move forward with a warrant for an arrest. Just being able to go by someone's word is **NOT** enough. Warrants should not be issued arbitrarily. Had the Commissioner been able to research the person in front of him/her-they would have found that my ex was infamous for abusing the legal system when it came to Protective Orders and Domestic Violence allegations against his exes.

I wholeheartedly stand behind Senate Bill 567 because it truly stands for and behind individuals like me who have been victims of false accusations and criminal procedure. Victims suffer emotionally, socially, and financially. I am still dealing with the reality of what my ex did to me. I live in fear that he will do it again without any remorse or repercussions. I also have anxiety and fear that the police will come knocking on my door or having to receive another call from a Detective about a warrant being issued for my arrest.

By passing this bill, it will address issues such as mine by providing stronger penalties of false accusations, better safeguards in investigations and most importantly, protection for the accused. False accusations within the Criminal Justice system not only destroy lives and tarnish reputations, but they also expose a deeply flawed system where the innocent suffer, justice is perverted and the true pursuit of fairness is undermined.

Thank you for sharing my story.

Respectfully,

*Krystal L. Hamlet*

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# **SB567\_ACLUMD\_FAV\_SPACCASI.pdf**

Uploaded by: Olivia Spaccasi

Position: FAV



## Testimony for the Senate Judicial Proceedings Committee

February 5, 2025

### SB 567 - Criminal Procedure - District Court Commissioners and False Statements

OLIVIA SPACCASI  
PUBLIC POLICY PROGRAM  
ASSOCIATE

#### FAVORABLE

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EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland supports SB 567, 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

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<sup>1</sup><https://www.mdcourts.gov/sites/default/files/courtforms/district/forms/criminal/dccr001br.pdf/dc-cr001br.pdf>

<sup>2</sup> "Commission to Reform Maryland's Pretrial System Final Report." *GOCCP*, Governor's Office of Crime Control & Prevention, 19 Dec. 2014, [gocpp.maryland.gov/pretrial/documents/2014-pretrial-commission-final-report.pdf](http://gocpp.maryland.gov/pretrial/documents/2014-pretrial-commission-final-report.pdf).



AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Maryland

charges. This practice can lead to a runaway train of consequences for the 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, SB 567 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. SB 567 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.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on SB 567.

## **SB 567 - Criminal Procedure - District Court Commi**

Uploaded by: Scott Shellenberger

Position: FAV



**Bill Number: SB 567**

**Scott D. Shellenberger, State's Attorney for Baltimore County  
Support**

**WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,**  
**STATE'S ATTORNEY FOR BALTIMORE COUNTY,**  
**IN SUPPORT OF SENATE BILL 567**  
**CRIMINAL PROCEDURE – DISTRICT COURT COMMISSIONERS AND FALSE**  
**STATEMENTS**

I write in support of Senate Bill 567 District Court Commissioners and False Statements.

Maryland is one of a minority of states that permit civilians to institute criminal cases – by applying for a statement of charges with a district court commissioner. As you know a civilian can begin the criminal process without the involvement of law enforcement officers or prosecutors. Although this process serves a number of important purposes, because these charges are often issued without the involvement of the police our communities trust to conduct thorough investigations into criminal allegations, it is important for the General Assembly to establish guardrails to prevent abuses.

SB 567 provides an important guardrail – to assure proper charges are filed by increasing the penalty for knowingly making a false report of a crime from six months to three years, disincentivizing those that would seek to weaponize the machinery of the State for unlawful gain, and second, it prevents a district court commissioner from issuing a warrant unless the charges were applied for by a law enforcement officer or a State's Attorney, recognizing that the enormously disruptive consequences of being served with a warrant would be generally inappropriate given the lack of a formal investigation into the allegations.

There are some circumstances, however, that necessitate immediate action, even when prosecutors and police officers have not been involved. If a crime victim feels unsafe reporting a serious crime to authorities and wishes to go directly to a district court commissioner, that commissioner should be empowered to act swiftly when circumstances so require. I believe the current statute under (6) (2) d would ensure public safety.

I urge a favorable report.

# **2025\_02\_05 SB 567 Support.pdf**

Uploaded by: Tiffany Clark

Position: FAV

**CAROLYN A. QUATTROCKI**  
*Chief Deputy Attorney General*

**LEONARD J. HOWIE III**  
*Deputy Attorney General*

**CARRIE J. WILLIAMS**  
*Deputy Attorney General*

**ZENITA WICKHAM HURLEY**  
*Chief, Equity, Policy, and Engagement*



**PETER V. BERNIS**  
*General Counsel*

**CHRISTIAN E. BARRERA**  
*Chief Operating Officer*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

**ANTHONY G. BROWN**  
*Attorney General*

February 5, 2025

**TO:** The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee

**FROM:** Tiffany Clark  
Chief, Legislative Affairs, Office of the Attorney General

**RE:** Senate Bill 567 - Criminal Procedure—District Court Commissioners -  
**Support**

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The Office of the Attorney General supports **Senate Bill 567** - Criminal Procedure—District Court Commissioners. **Senate Bill 567** would preclude district court commissioners from issuing arrest warrants based on a citizen complaint.

Under current law, district court commissioners have the discretion to issue arrest warrants based solely on a citizen's sworn statement. Commissioners have no ability to investigate the incident alleged in the citizen complaint and often cannot determine if the police were involved. Yet if a warrant is issued, the subject of the warrant is arrested, jailed, and potentially held pending trial.

A more formal and standardized system for reviewing civilian complaints, as contemplated by **Senate Bill 567**, could lead to fairer outcomes in charging decisions, addressing the overrepresentation of Black people in pretrial detention. Establishing consistent procedures would help ensure that complaints are evaluated based on objective criteria, minimizing the influence of personal or racial biases in determining whether charges should be pursued.

Additionally, implementing standardized procedures for warrant approvals can help prevent arbitrary decisions that disproportionately impact Black and Latinx communities. Applying uniform standards to warrant approvals would be a step toward reducing the disproportionate rates of arrest and detention among communities of color. The proposed changes could also reduce the frequency of arrests for minor offenses by centralizing the warrant

process and prioritizing more serious cases. This would lessen the likelihood of individuals from marginalized communities being detained pretrial for nonviolent or low-level infractions.

**Senate Bill 567** retains the commissioners' ability to issue summonses in response to citizen complaints. This balance allows citizens to file criminal charges while preventing unnecessary, and sometimes unfounded, arrests.

For the foregoing reasons, the Office of the Attorney General urges the Committee to give **Senate Bill 567** a favorable report.

# **SB 567 - MSAA FWA.pdf**

Uploaded by: Patrick Gilbert

Position: FWA



## Maryland State's Attorneys' Association

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Rich Gibson  
President

Steven I. Kroll  
Coordinator

**DATE:** February 3, 2025

**BILL NUMBER:** SB 567

**POSITION:** Favorable with Amendment

The Maryland State's Attorneys' Association (MSAA) supports Senate Bill 567 with the inclusion of an amendment that would permit a district court commissioner to issue a warrant if he or she finds probable cause to believe that a crime of violence, as defined in MD. CODE ANN., PUB. SAFETY ("PS") § 5-101(c), has occurred.

Maryland is one of a minority of states that permit civilians to institute criminal cases – by applying for a statement of charges with a district court commissioner, a civilian can begin the criminal process without the involvement of law enforcement officers or prosecutors. Although this process serves a number of important purposes, because these charges are often issued without the involvement of the institutions our communities trust to conduct thorough investigations into criminal allegations, it is important for the General Assembly to establish guardrails to prevent abuses.

SB 567 establishes such a guardrail by preventing a district court commissioner from issuing a warrant unless the charges were applied for by a law enforcement officer or a State's Attorney, recognizing that the enormously disruptive consequences of being served with a warrant would be generally inappropriate given the lack of a formal investigation into the allegations.

There are some circumstances, however, that necessitate immediate action, even when prosecutors and police officers have not been involved. If a crime victim feels unsafe reporting a serious crime to authorities and wishes to go directly to a district court commissioner, that commissioner should be empowered to act swiftly when circumstances so require. By amending SB 567 to permit a district court commissioner to issue a warrant if he or she finds probable cause to believe that a crime of violence, as defined in PS § 5-101(c), has occurred, this bill would balance the need to protect the safety of crime victims with the rights of the accused in criminal cases instituted through the commissioner complaint process.

## **SB 567 - UNF - House of Ruth.pdf**

Uploaded by: Deena Hausner

Position: UNF



## House of Ruth Maryland

### Domestic Violence Legal Clinic

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Bill No.: Senate Bill 567  
Bill Title: Criminal Procedure – District Court Commissioners and False Statements  
Committee: Judicial Proceedings  
Hearing Date: February 5, 2025  
Position: **UNF**

House of Ruth is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. House of Ruth has offices in Baltimore City, Baltimore County, Prince George's County, and Montgomery County. Senate Bill 567 would prohibit District Court commissioners from issuing an arrest warrant to anyone but a police officer or State's Attorney. **We urge the Senate Judicial Proceedings Committee to unfavorably report on Senate Bill 567.**

The ability to apply for a statement of charges with a District Court Commissioner and have an arrest warrant issued is an important safety tool for victims of domestic violence. Many victims are unable to call 911 during an abusive incident, either because the abuser takes away or destroys their phone or threatens to kill the victim if they attempt to call 911. Their only recourse in such instances is to go to a District Court Commissioner at the first safe opportunity to do so and apply for a statement of charges. Even when victims are able to call 911 in the midst of an incident of abuse, very often the abuser has fled the scene before police arrive. Victims should not have to rely upon law enforcement or the State's Attorney's Office to make the decision to file criminal charges in order to seek redress for these incidents.

In addition to needing the option to file charges for an incident of abuse, many victims also need the opportunity to file charges for violations of protective orders. Curtailing the ability for a victim to apply for an arrest warrant will remove another important safety tool from victims of domestic violence and will lessen accountability for perpetrators of abuse.

**The House of Ruth urges the Senate Judicial Proceedings Committee to report unfavorably on Senate Bill 567.**



# **SB 567 -MNADV - UNF.pdf**

Uploaded by: Laure Ruth

Position: UNF



**BILL NO:** Senate Bill 567  
**TITLE:** Criminal Procedure – District Court Commissioners  
**COMMITTEE:** Judiciary  
**HEARING DATE:** February 5, 2025  
**POSITION:** **OPPOSE**

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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 Senate Judiciary Committee to issue an unfavorable report on SB 567.**

Senate Bill 567 would disallow a commissioner from issuing an arrest warrant for a statement of charges brought by a citizen. Only law enforcement or states attorneys would be allowed to seek an arrest warrant (versus a summons) from a commissioner. Under current law, a citizen is able to go to the commissioner and file a statement of charges. *The commissioner must decide whether to issue an arrest warrant or whether to issue a summons*, not the petitioner. Commissioners are only able to review what is directly in front of them. So if a citizen testifies the other party has a gun, that may trigger an arrest warrant rather than a summons – and why shouldn't it? In our cases, sometimes law enforcement won't even make a report. Asking them to take on all of the serious domestic abuse cases and go to the commissioner themselves is asking for a lot of time from law enforcement. States' Attorneys don't get involved until charges have already been filed. We can't see logistically how they would be involved immediately after the abusive contact. Even now, if law enforcement screens a victim as high lethality, the most they usually do in most counties is inform the victim about the commissioner. Victims should not have to rely upon law enforcement or the State's Attorney's Office to seek an arrest warrant versus a summons. Commissioners must be trusted to do their jobs, or if this is what is necessary perhaps the entire commissioner system needs a revamp.

Survivors currently may also file a statement of charges for a violation of the protective orders, and depending on the facts, it could result in a warrant rather than a summons. This is another necessity for survivors, who cannot rely on law enforcement to file for these violations. It is not feasible for law enforcement to be responsible for filing for all of these charges. Curtailing the ability for a victim to apply for an arrest warrant will remove another important safety tool from victims of domestic violence and will lessen accountability for perpetrators of abuse.

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For further information contact Melanie Shapiro • Public Policy Director • 301-852-3930 • [mshapiro@mnadv.org](mailto:mshapiro@mnadv.org)

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For the above stated reasons, the **Maryland Network Against Domestic Violence** urges an **unfavorable report on SB 567**.

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# **Commissioners - senate - 2025 - SB567 UNF.pdf**

Uploaded by: Lisae C Jordan

Position: UNF



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**Working to end sexual violence in Maryland**

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**Testimony Opposing Senate Bill 567**  
**Lisae C. Jordan, Executive Director & Counsel**  
February 5, 2025

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge an unfavorable report on Senate Bill 567.

**Senate Bill 567 – Commissioners**

Senate Bill 567 would discontinue the current ability of a commissioner to issue an arrest warrant for a statement of charges brought by non-law enforcement. Instead, only law enforcement or state's attorneys would be allowed to seek an arrest warrant (versus a summons) from a commissioner. Under current law, an individual is able to go to the commissioner and file a statement of charges. *The commissioner then must decide whether to issue an arrest warrant or whether to issue a summons*, not the petitioner. Commissioners are only able to review what is directly in front of them. So if a citizen testifies the other party has a gun, that may trigger an arrest warrant rather than a summons – and why shouldn't it?

In 4<sup>th</sup> degree sex offense cases and even some felony sexual assault cases, sometimes law enforcement won't even make a report. States' Attorneys are typically not involved until later in the process and these offices are not staffed to provide the 24/7 coverage commissioners have. Survivors currently may also file a statement of charges for a violation of the protective orders, and depending on the facts, it could result in a warrant rather than a summons. This is another necessity for survivors, who cannot rely on law enforcement to file for these violations.

We fully appreciate that the current commissioner system needs reform, however, curtailing the ability for a victim to apply for an arrest warrant will remove another important safety tool from victims of abuse.

**The Maryland Coalition Against Sexual Assault urges the  
Judicial Proceedings Committee to report unfavorably on Senate Bill 567**

## **MEJC Written Testimony SB 567 - District Court Arr**

Uploaded by: MECJ Maryland Equitable Justice Collaborative

Position: INFO



## **POSITION ON PROPOSED LEGISLATION**

**BILL:** Senate Bill 567 - Criminal Procedure – District Court Commissioners

**FROM:** Maryland Equitable Justice Collaborative (MEJC)

**POSITION:** Informational (SUPPORT IN CONCEPT)

**DATE:** February 5, 2025

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The Maryland Equitable Justice Collaborative (MEJC) submits this testimony supporting Senate Bill 567 in concept as a strategy for addressing the systemic racial disparities that have long plagued Maryland's pretrial detention process. Senate Bill 567 offers an important opportunity for reform by introducing a more structured, standardized approach for the civil complaint process.

### **About the Maryland Equitable Justice Collaborative**

The Maryland Equitable Justice Collaborative (MEJC) was established by the Office of the Attorney General (OAG) and the Office of the Public Defender (OPD) to address racial disparities in mass incarceration in Maryland. This initiative is the first of its kind. It was developed based on listening sessions held by the Attorney General and Public Defender with impacted people, advocates, and other community members. Academic partners, including the Judge Alexander Williams Center for Education, Justice & Ethics at the University of Maryland at College Park and the Bowie State University Institute for Restorative Justice, were brought in to ensure the work is evidence-based and data-driven statewide.

The MEJC comprises over 40 representatives from state agencies, community groups, subject matter experts, and people directly impacted by the system. Its initiatives are organized into workgroups focusing on various factors influencing incarceration rates. Each workgroup is led by a staff member from the Office of the Attorney General, a staff member from the Office of the Public Defender, and a community advocate with relevant expertise. Community voices and public input have shaped the recommendations developed by the workgroups of the MEJC. In December 2024, the MEJC approved 18 recommendations for legislative and agency reforms, program development, data collection, and other measures designed to reduce the mass incarceration of Black men and women and other marginalized groups in Maryland prisons and jails. Recommendation No. 6 from MEJC states, in part, to reduce unnecessary pretrial confinement by establishing a uniform civilian complaint review process across all State's Attorney's Offices.

## Current Status of the Civil Complaint Process

The civilian complaint process significantly contributes to the rise in pretrial incarceration rates for individuals who often end up neither prosecuted nor convicted. In Maryland, anyone can accuse another person of a crime simply by filling out and signing an application or statement of charges before a District Court Commissioner.<sup>1</sup> This process can be initiated without any corroborating documentation or prior scrutiny by a prosecutor or judge, creating a situation where mere allegations can lead to serious legal consequences. Furthermore, no legal official must evaluate these accusations' merits before the pretrial detention decision. This lack of oversight and accountability in the civilian complaint review process diminishes the responsibility of State's Attorneys' Offices and can lead to arbitrary and unfair charging decisions which directly and significantly affect pretrial processes, often leaving innocent individuals uncertain before their cases are resolved.

## Racial Disparities in Pretrial Decision-making

Maryland's pretrial system disproportionately confines Black people, highlighting systemic inequities embedded in procedural delays, prosecutorial practices, and pretrial decision-making.<sup>2</sup> The need for targeted reforms is urgent, as these disparities sustain cycles of disadvantage and unequal treatment within the criminal legal system. One crucial aspect of eliminating unnecessary pretrial confinement is creating a more standardized and formal procedure for issuing arrest warrants. The following outlines some potential benefits:

**Standardizing the Civilian Complaint Review Process to Mitigate Bias:** A more formal and standardized system for reviewing civilian complaints, as contemplated by Senate Bill 567, could lead to fairer outcomes in charging decisions, addressing the overrepresentation of Black people in pretrial detention. Establishing consistent procedures would help ensure that complaints are evaluated based on objective criteria, minimizing the influence of personal or racial biases in determining whether charges should be pursued.<sup>3</sup>

**Limiting Subjective Decision-Making in Arrest Warrants:** District Court commissioners currently have significant discretion in issuing arrest warrants, a process vulnerable to subjective judgments that can contribute to racial disparities. By centralizing the warrant process and requiring applications to be submitted through official channels, such as police officers or State's Attorneys, this discretion can be reduced. Implementing standardized procedures for warrant approvals can help prevent arbitrary decisions that disproportionately impact Black and Latinx communities.

**Curtailing the Impact of Private Complaints on Arrest Warrants:** Private citizen complaints can lead to arrests driven by personal bias or malicious intent, disproportionately affecting marginalized groups—particularly Black people.<sup>4</sup> Under the proposed changes, applications for arrest warrants would be vetted

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<sup>1</sup> Md. Code Ann., Cts. & Jud. Proc. § 2-607(c)2

<sup>2</sup> Vera Institute of Justice. (n.d.). Incarceration trends in Maryland. Retrieved January 31, 2025, from <https://trends.vera.org/state/MD>

<sup>3</sup> National Conference of State Legislatures, "Racial and Ethnic Disparities in the Criminal Justice System, updated May 24, 2022, <https://www.ncsl.org/civil-and-criminal-justice/racial-and-ethnic-disparities-in-the-criminal-justice-system>

<sup>4</sup> Ira P. Robbins, Citizen's Arrest and Race, 20 Ohio State Journal of Criminal Law 133 (2022). Available at: [https://digitalcommons.wcl.american.edu/facsch\\_lawrev/2213](https://digitalcommons.wcl.american.edu/facsch_lawrev/2213)



more formally, reducing the influence of biased complaints and mitigating the risk of unwarranted arrests stemming from subjective or discriminatory complaints.

**Formalizing Warrant Applications to Promote Fairer Outcomes:** Requiring police officers or State’s Attorneys to file warrant applications would standardize the decision-making process. By applying uniform standards to warrant approvals, this approach would be a step toward reducing the disproportionate rates of arrest and detention among communities of color.

**Reducing Unnecessary Pretrial Detention for Low-Level Offenses:** Low-level offenses have been a significant driver of pretrial detention rates for Black and Latinx people.<sup>5</sup> The proposed changes could reduce the frequency of arrests for minor offenses by centralizing the warrant process and prioritizing more serious cases. This would lessen the likelihood of individuals from marginalized communities being detained pretrial for nonviolent or low-level infractions.

## **Conclusion**

We urge the Committee to consider meaningful reform of the current private citizen complaint process. By implementing standardized procedures and ensuring that private complaints are evaluated under a more formal and objective framework, Maryland can address systemic racial disparities, reduce unjustified arrests, and create a fairer pretrial system.

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**Submitted by: Maryland Equitable Justice Collaborative**

**Anthony Brown, Co-Chair  
Maryland Attorney General**

**Natasha Dartigue, Co-Chair  
Maryland Public Defender**

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<sup>5</sup> Nazgol Ghandnoosh, Celeste Barry, and Luke Trinka. Research assistance provided by Niki Monazzam.T, “One in Five: Racial Disparities in Imprisonment – Causes and Remedies, December 2023, <https://www.sentencingproject.org/app/uploads/2023/12/One-in-Five-Racial-Disparity-in-Imprisonment-Causes-and-Remedies.pdf>