

2025-02-26 SB 739 - Support.pdf

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February 26, 2025

TO: The Honorable Will Smith, Jr.
Chair, Judicial Proceedings Committee

FROM: Adam Spangler
Legislative Aide, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 739 - Domestic Violence - Warrantless Arrests and Victims –
Support

The Office of the Attorney General (OAG) urges the Judicial Proceedings Committee to report favorably on **Senate Bill 739** – Domestic Violence – Warrantless Arrests and Victims, which aims to enhance the legal framework surrounding domestic violence in Maryland. This bill is an important step toward protecting victims and ensuring that those who commit acts of violence are held accountable, regardless of their relationship with the victim.

Senate Bill 739 amends § 2-204 of the Criminal Procedure Article so that police officers can make warrantless arrests when they have probable cause to believe that a person has battered another individual with whom they have had a sexual relationship within the past year. This change in statute is crucial to saving potential victims as it allows law enforcement to respond promptly to situations where immediate action is necessary to prevent further harm.

Moreover, **Senate Bill 739** amends § 4-513 of the Family Law Article by expanding the definition of "victim of domestic violence" to include individuals who have been injured by someone with whom they have had a sexual relationship in the past year. This change acknowledges the varied dynamics of intimate relationships and ensures that more victims can seek the protection and support they need.

This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation.

For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us.

As we strive to create a safer environment for all Maryland residents, it is vital that our laws reflect the realities of domestic violence and provide adequate measures for intervention. **Senate Bill 739** represents a significant advancement in safeguarding the rights and well-being of victims.

The OAG urges the Committee to report **Senate Bill 739** favorably and help us move toward a more just and protective legal framework for those affected by domestic violence.

cc: The Honorable Senator William Folden
Members of the Senate Judicial Proceedings Committee

SB 739 - MNADV - FAV .pdf

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BILL NO: Senate Bill 739
TITLE: Domestic Violence – Warrantless Arrests and Victims
COMMITTEE: Judicial Proceedings
HEARING DATE: February 26, 2025
POSITION: **SUPPORT**

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 COMMITTEE to report favorably on SB 739.**

Senate Bill 739 is a modest addition to an existing law that allows for warrantless arrest in certain circumstances. Under SB 739, a person who had a sexual relationship with their victim in the past 12 months would be added on whom law enforcement would be allowed to conduct a warrantless arrest. Such an expansion makes sense as the reality is that not all intimate partner violence or sexual offenses are between only spouses or people who reside together, as the current law contemplates. SB739 would not alter the other limits of the law, including that there must be evidence of physical injury; a report to police was made within 48 hours; and there is a risk that the alleged perpetrator will flee, cause injury or property damage, or spoliage evidence. It is a modest expansion of arrest authority that may increase community safety, although we do note that anecdotally, this action is seldom taken by law enforcement due to the constraints listed above.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 739.**

Arrest warrantless - testimony - 2025 - SB739 FAV.

Uploaded by: Lisae C Jordan

Position: FAV



Working to end sexual violence in Maryland

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Testimony Supporting Senate Bill 739
Lisae C. Jordan, Executive Director & Counsel
February 26, 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 which provides direct legal services for survivors across the State of Maryland. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 739.

Senate Bill 739 – Warrantless Arrest – Intimate Partners Not Living Together

This bill would modernize the law permitting warrantless arrest to include persons who have had a sexual relationship in the past year. This expands provisions applying to those who are spouses or who live together. This reflects the reality that intimate partner violence can occur against dating partners, people "living together with two places", and other intimate partners who are neither married nor living in the same home, including victims of sexual offenses. SB739 would not alter the other limits of the law, including that there is evidence of physical injury; a report to police was made within 48 hours; and there is a risk that the alleged perpetrator will flee, cause injury or property damage, or spoliage evidence. It is a modest expansion of arrest authority that will increase community safety.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
report favorably on Senate Bill 739**

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Uploaded by: Nadine Finigan-Carr

Position: FAV



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TESTIMONY ON HB SB 739
Domestic Violence – Warrantless Arrests and Victims
February 21, 2025

The University of Maryland, Baltimore Center for Violence Prevention (CVP) strongly supports SB 739, which would amend current domestic violence law to alter the definition of “victim of domestic violence” to include individuals with which the person battered has had a sexual relationship with in the past year. This will protect numerous victims whose cases are currently unable to be processed as they are not married to or residing with the perpetrator at the time of their assault.

The Center for Violence Prevention is a community informed initiative of the University of Maryland, Baltimore in collaboration with the R Adams Cowley Shock Trauma Center at the University of Maryland Medical Center – the first of its kind. Our aim is to build resilient communities for all through the prevention and intervention of all forms of violence and trauma. We do this in an interdisciplinary, collaborative fashion where we conduct community-based participatory research, provide creative and impactful education, and inform and advocate for policies that strengthen our communities to prevent violence and trauma. Our support of this bill is in line with the latter.

Warrantless domestic violence arrest laws allow officers to make arrests of alleged offenders of domestic violence without warrants due to probable cause. The discretionary applications of these laws, such as that currently enacted in Maryland, have been found to reduce the risk of intimate partner homicides among current and former spouses. Intimate partner violence is a significant public health and social justice issue. It can have a profound impact on lifelong health, opportunity and well-being. This specific form of domestic violence can occur in any romantic relationship – not just with a person’s spouse. It can include both current and former spouses and dating partners. By including the term “another person with whom the person has had a sexual relationship in the past year,” amending the current law will close the loophole for many victims of domestic violence who may not be married to or residing with their abuser.

For these reasons, the UMB CVP supports SB 739 and respectfully encourages a favorable report.