



Testimony for the Senate Judicial Proceedings Committee

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HB 336 - Criminal Procedure - District Court - Issuance of Summonses and Arrest Warrants

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The ACLU of Maryland urges a favorable report on HB 336, which bars District Court Commissioners from issuing warrants based on applications for a Statement of Charges submitted by a member of the public. The bill maintains the District Court Commissioners ability to issue summons and creates a new process by which warrants can be issued, if necessary, only after proper review by a State's Attorney. If the States Attorney determines the summons should be upgraded to a warrant, then they must request that a judge of the District Court or a judge of the Circuit Court issue an arrest warrant. The relevant court may then upgrade the summons to a warrant on a finding of good cause.

Currently, District Court Commissioners may issue arrest warrants based on an application by law enforcement *and/or* a member of the public. As a result, innocent people can be arrested and entangled in the criminal legal system based on the limited information in these applications alone. By limiting the issuance of arrest warrants to those generated in response to law enforcement or after proper review from a States Attorney as opposed to those filed by any member of the public, some necessary safeguards will be established and the process will be insulated from those looking to weaponize the criminal legal system against other civilians.

If one would like to make a formal allegation that a crime has been committed against them, there are two main routes for redress through the criminal legal system. Firstly, one can call the police to conduct an arrest. Secondly, one can file an *Application for Statement of Charges* with a District Court Commissioner. While people are encouraged to take the first route, the District Court Commissioner path is highly utilized by members of the public. According to the



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Office of the Attorney General, in fiscal year 2025, approximately 18,394 nonpolice applications for statements of charges were filed with commissioners, representing over one-third of all charging applications.

Arrest warrants generated in response to these applications are often issued without any investigation or review conducted by law enforcement or the state 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 accused individual, who can be arrested – both in Maryland and other states - based solely on the complaint of a member of the public. 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. This new process will establish a much-needed safeguard to ensure people are not arrested and entangled in the legal system without proper due diligence.

Moreover, HB 336 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. Additionally, the criminal legal system is often weaponized against victims of domestic violence and abuse. Those who engage in this type of abuse are keenly aware of the legal mechanisms by which they can exert control over and harm their victims. HB 336 aims to establish a crucial checkpoint to mitigate the harm caused by wrongful arrests and unsubstantiated accusation.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on HB 336.