



BILL NO: House Bill 336
TITLE: Criminal Procedure - District Court Commissioners and False Statements
COMMITTEE: Judicial Proceedings – cross-over
HEARING DATE: March 31, 2026
POSITION: **OPPOSE**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that leads diverse community partners toward the common purpose of reducing the occurrence and impact of intimate partner violence. **MNADV urges the Senate Judicial Proceedings Committee to issue an unfavorable report on HB 336.**

House Bill 336 would prohibit a District Court commissioner from issuing an arrest warrant to an individual other than a police officer or a State's Attorney. Despite the hard work put in to make the bill acceptable to opponents, and despite that it is much better than the original version, we oppose this bill unless it is amended. **The real price of this bill in its current form is it will cost someone their life.**

Proponents of HB 336 say the goal of this bill is to prevent false statements by citizens seeking a statement of charges from a commissioner and stating facts that lead to a warrant being issued rather than a summons. *We agree that false statements can cause harmful and traumatizing behavior*, and our own clients experience this all too frequently when abusers bring false charges against them. However, as drafted the bill somewhat addresses this problem, but it is at the expense of individuals who need the ability to obtain a warrant in the proper circumstances. We have grave concerns about the safety and even lives of true victims who should get a warrant and would only be able to get a summons.

Under current HB 336, after a commissioner issues a summons, the case would be sent to the State's Attorney Office (SAO) within 72 hours for investigation and recommendation on whether to issue a warrant. However, as drafted, only a summons would be issued but an investigation would happen within 72 hours. Importantly, proponents of the bill admitted in testimony that some SAOs will have great difficulty in meeting this timeline.

Victims escaping domestic violence need as many pathways to safety as possible. Access to the District Court commissioners is one of the pathways to safety utilized by victims of domestic violence in Maryland, and HB 336 could put victims at greater risk. There are a variety of reasons why a victim may go to a District Court commissioner rather than law enforcement, including that their abuser has made it impossible for them to call 911. Domestic violence is already vastly underreported. We should not risk the safety of victims and remove the ability for District Court commissioners to issue arrest warrants when presented with the requisite probable cause that the defendant committed the underlying charge

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and other factors are met, such as probable cause to believe that the defendant poses a danger to another person or to the community.

Leaving an abuser is often the most dangerous time for a victim of domestic violence. Therefore, the removal of the possibility for a commissioner to issue an arrest warrant could be incredibly dangerous for a victim of domestic violence. In fact, there is an increased likelihood of this bill would actually increase the danger to a survivor. If the victim files for an interim order of protection at the same time as applying for a statement of charges, the respondent/defendant will be served with the order of protection, but the SAO will still be investigating whether to recommend a warrant instead of a summons. Under HB 336, Sheriff's deputies will no longer be able to arrest a defendant at the same time they serve the interim protective order because the warrant will not be issued until days later. As a result, deputies will have to go out multiple times in order to effectuate service of both the protective orders and arrest warrants, which wastes valuable resources both financially and in terms of deputies' time.

Once served with the order of protection, the respondent will be vacated, thus creating the distinct possibility that if the SAO does recommend a warrant, and the commissioner issues the warrant, law enforcement will no longer have an address for the respondent/defendant and will be unable to serve the warrant. **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 truth is, HB 336 is being pursued at the expense of victims/survivors when information exists that would inform a commissioner if the applicant for statement of charges is a repeat applicant, if there is an order of protection between the parties, and other relevant facts the commissioner should have to determine whether to accept a statement of charges and whether or not an arrest warrant should be issued.

PROPOSED AMENDMENTS:

If you insist on passing something this year, we propose several options to amend this bill.

1. Amend this bill to a task force – gather the stakeholders, states attorneys from multiple jurisdictions, and including the judiciary and commissioners, which have the expertise to know how this works practically .
2. On the morning of March 13, the proponents of the bill presented a version of the bill that would protect victims more than the current version (attached). An applicant would only be

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able to get a warrant from a commissioner if the courts were closed. If the court is open, the applicant would be referred to the court to determine whether to issue a warrant.

3. Amend the bill to invert the process. Essentially, a commissioner could issue a summons or a warrant, but it would then be forwarded to the SAO, which would within 72 hours review and investigate the case and could recommend that a warrant be quashed. **They can already do this.** If the bill was drafted in this manner, then if an applicant filed for an interim order of protection and at the same time as filing for a statement of charges that resulted in a warrant, law enforcement could serve both at the same time, and thus not lose the location of the respondent/defendant.
4. Amend the bill to allow commissioners to review the applicant in much the same way they are currently able to investigate the prospective defendant. Place limitations on an individual seeking a statement of charges to get a warrant if certain facts exist – an existing order of protection between the parties, more than 2 prior filings by the applicant against the same prospective defendant, other limitations.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on HB 336.**