



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 336 ONLY if Amended
Lisae C. Jordan, Executive Director & Counsel
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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 a favorable report on House Bill 336 ONLY if Amended.

House Bill 336 – Commissioners and Safety for Victims of Abuse

House Bill 336 would eliminate the 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. An arrest warrant for an abuser can remove the abuser from the community and be life-saving for victims of domestic violence, including victims of sexual violence.

There is no question that reforms of the commissioner system are needed, however, Maryland should not endanger survivors as it seeks to fix the Commissioner system: that would be substituting one problem for another. Survivors continue to face far too many situations where their abuse is dismissed or minimized. They are regularly told to go to the Commissioner for relief. Some law enforcement take a report even in cases needing more active responses. In 4th degree sex offense cases and even some felony sexual assault cases, sometimes law enforcement will not 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.

Curtailing the ability for a victim to apply for charges and have an arrest warrant issued will remove an important tool that helps victims of abuse in the most serious cases.

Arrest Warrants When Courts are Closed

After extensive discussions in the House Judiciary Committee, a solution was proposed which would have allowed commissioners to issue warrants only when courts were closed and only for cases where there was a finding of danger to another person or to the community. State's Attorneys would then be required to review any warrants issued within 72 hours and could then exercise their authority to request that a warrant be recalled (this authority is already in the Code). This version of the bill also created extensive reporting so the General Assembly could assess what other changes are needed.

MCASA believes that this approach is preferable to what was ultimately passed because it:

- Prioritizes victim safety
- Assesses danger in all types of cases (not just "special victim" cases)
- Eliminates a commissioner's ability to issue a warrant based on lack of an address, history of failure to appear, or current incarceration, unless the applicant is law enforcement. This reduces common abuses of the system.
- Requires the State's Attorney to promptly review commissioner issued warrants. Again, this addresses abuses of the system.
- Imposes reporting requirements to help assess how the changes work.

We urge the Committee to adopt the earlier version of amendments to HB336 (reprint attached).

If the Committee is unwilling to allow commissioners to continue to issue warrants to protect crime victims when courts are closed, MCASA believes it is critical to continue to require the commissioners to assess a case for danger and then refer these dangerous cases to the State's Attorney for further review. In order for this to be effective, it would also be necessary to provide the Courts with authority to convert a summons to a warrant. This is the approach taken in the version of HB336 that passed the House.

In any case, whether this Committee passes substantive changes or decides to continue to study this issue, MCASA urges the Committee to look not only at the choices of applicants and commissioners, but also those of State's Attorneys Offices. Much has been made of data showing many cases are nolle pross'd, however, there seems to be an implication that these are not prosecuted because applicants lie or choose not to go forward. In many cases, the prosecutor is choosing not to pursue a case. Valid cases of sexual assault and domestic violence continue to be under-prosecuted because of prosecutorial discretion and the Committee should not lose sight of this part of the complexity of the policy issue presented by HB336.

MCASA continues to believe that it is possible and appropriate to take steps towards reform of the commissioner system without eviscerating victim safety. Again, we urge the Committee to reject HB336 as passed by the House and amend it to the version attached.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to report
favorably on House Bill 336 ONLY if Amended**

HOUSE BILL 336

E2
HB 21/25 – JUD

6lr0779

By: **Delegates Addison, Acevero, Amprey, Boyce, Conaway, Hornberger, Lewis, J. Long, Pasteur, Phillips, Roberson, Ruff, Stinnett, and Young**

Introduced and read first time: January 19, 2026

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – District Court Commissioners and False Statements – Issuance of Summonses and Arrest Warrants**

3 FOR the purpose of prohibiting a District Court commissioner from issuing an arrest
4 warrant to an individual other than a police officer or a State’s Attorney; altering the
5 penalty for making a certain false statement or report to a certain governmental
6 official or unit; authorizing a District Court commissioner to issue a summons based on an application for a statement of charges filed by a certain individual under certain circumstances; prohibiting a District Court commissioner from issuing an arrest warrant at a certain time; requiring a District Court commissioner to refer an application for a statement of charges to a District Court judge for a certain purpose under certain circumstances; authorizing a District Court judge to issue an arrest warrant under certain circumstances; requiring a State’s Attorney to review a certain case at a certain time for a certain purpose; requiring the District Court to provide victims of crime with access to certain information; requiring the Maryland Judiciary to annually report certain information to the General Assembly; and generally relating to District Court commissioners and false
7 statements issuance of summonses and arrest warrants by the District Court.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 2–607(c)
11 Annotated Code of Maryland
12 (2020 Replacement Volume and 2025 Supplement)

BY adding to

Article – Courts and Judicial Proceedings

Section 2–607.1 and 2–607.2

Annotated Code of Maryland

(2020 Replacement Volume and 2025 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Courts and Judicial Proceedings**

21 2–607.

22 (c) (1) A **Subject to § 2–607.1 of this subtitle, a** commissioner shall receive
applications and determine probable

23 cause for the issuance of charging documents.

Bill Page 2 of 3

2 **REPRINT OF HOUSE BILL 336 as amended by HB0336/633728/1 03/22/26 at 10:09
PM**

1 (2) A commissioner shall advise arrested persons of their constitutional
2 rights, set bond or commit persons to jail in default of bond or release them on personal
3 recognizance if circumstances warrant, and conduct investigations and inquiries into the
4 circumstances of any matter presented to the commissioner in order to determine if
5 probable cause exists for the issuance of a charging document, warrant, or criminal
6 summons and, in general, perform all the functions of committing magistrates as exercised
7 by the justices of the peace prior to July 5, 1971.

8 (3) There shall be in each county, at all times, one or more commissioners
9 available for the convenience of the public and police in obtaining charging documents,
10 warrants, or criminal summonses and to advise arrested persons of their rights as required
11 by law.

12 (4) A commissioner may exercise the powers of office in any county to which
13 the commissioner is assigned by the Chief Judge of the District Court or a designee of the
14 Chief Judge of the District Court.

15 (5) The Chief Judge of the District Court may authorize one or more
16 commissioners to perform the duties of a commissioner regarding persons arrested in a
17 county other than the county in which the commissioner resides and for which the
18 commissioner was appointed when the arrested persons are brought before the
19 commissioner by a peace officer of the jurisdiction in which that arrest was made.

20 (6) (i) An individual may file an application for a statement of charges
21 with a District Court commissioner.

22 (ii) On review of an application for a statement of charges, a District
23 Court commissioner may issue a summons or an arrest warrant.

24 (iii) A District Court commissioner may issue an arrest warrant only
25 on a finding that:

26 1. There is probable cause to believe that the defendant
27 committed the offense charged in the charging document; [and]

28 **2. The individual filing the application for a**
29 **statement of charges is a police officer as defined in § 3–201 of the**
30 **Public Safety Article or a State’s Attorney; and**

31 [2.] 3. A. The defendant previously has failed to respond to a
32 summons that has been personally served or a citation;

33 B. The whereabouts of the defendant are unknown and the
34 issuance of a warrant is necessary to subject the defendant to the jurisdiction of the court;

35 C. The defendant is in custody for another offense; or
Bill Page 3 of 3

3 **REPRINT OF HOUSE BILL 336 as amended by HB0336/633728/1 03/22/26 at 10:09**
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1 D. There is probable cause to believe that the defendant poses
2 a danger to another person or to the community.

3 (iv) On a finding of good cause, a judge of the District Court or a judge
4 of a circuit court may recall an arrest warrant issued by a District Court commissioner
5 under this paragraph and issue a summons in its place.

2–607.1.

(a) A District Court commissioner may issue a summons based on an application for a statement of charges submitted by an individual who is not a police officer or a State’s Attorney if the commissioner determines that there is probable cause that the defendant committed the offense or offenses charged in the charging document.

(b) On review of an application for a statement of charges submitted by an individual who is not a police officer or a State’s Attorney, a District Court commissioner:

(1) may not issue an arrest warrant when the District Court is open

for business;

(2) shall refer the application for a statement of charges to a District Court judge for review and prompt determination of whether a summons or arrest warrant shall issue;

(i) when the District Court is open for business; and

(ii) the District Court commissioner finds that there is probable cause to believe that the defendant poses a danger to another person or to the community; and

(3) may issue an arrest warrant when the District Court is not open for business, if the commissioner determines that:

(i) there is probable cause that the defendant committed the offense or offenses charged in the charging document; and

(ii) there is probable cause to believe that the defendant poses a danger to another person or to the community.

(c) If an arrest warrant is issued under subsection (b)(3) of this section, the State's Attorney shall review the case within 72 hours to determine whether to request that a judge of the District Court or a judge of the circuit court recall the arrest warrant and issue a summons in its place.

(d) The District Court shall provide victims of crime with access to information regarding whether an arrest warrant has been recalled after being issued in response to an application for a statement of charges filed by the victim.

2-607.2.

On or before March 1, 2027, and each March 1 thereafter, the Maryland Judiciary shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, the following data for the preceding calendar year, disaggregated by county, and by the race, sex, and age of victims and by the race, sex, and age of defendants:

(a) the number of applications for a statement of charges filed, including:

(1) whether the application was filed by the police, a State's Attorney, or an individual; and

(2) for each type of applicant, whether the application was denied, resulted in the issuance of a summons, or resulted in the issuance of an arrest warrant; and

(b) for each arrest warrant issued:

(1) whether the arrest warrant was issued by a judge or a commissioner; and

(2) whether there was a request to recall the arrest warrant and, if so, the result of the request.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2026.