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## **POSITION ON PROPOSED LEGISLATION**

BILL: HB 0336 - Criminal Procedure – District Court Commissioners and False Statements

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: March 31, 2026

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**The Maryland Office of the Public Defender urges a favorable report on House Bill 336 for the foregoing reasons:**

The Current System harms more individuals than it helps:

In Maryland any individual, not just a police officer, can apply for criminal charges to be filed against someone by filling out and providing an application for a statement of charges to a District Court Commissioner. *See Md. Code Ann., Cts. & Jud. Proc. § 2-607.* The District Court Commissioner, who typically is not 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, or
- that their whereabouts are unknown and the warrant therefore necessary to subject them to the jurisdiction of the court, or
- 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 the determination whether to issue charges, and potentially issue an arrest warrant, the commissioner is not required and does not have the ability to investigate or corroborate the allegations made. Additionally, there is no requirement that the individual making the application for charges contact the police or any other investigative agency regarding the alleged crime(s).

The Unfounded Allegation Problem: Arrest Warrants are Currently Issued Without Any Investigation

The District Court Commissioner lacks the ability to investigate the accuracy or honesty of the allegations put before them. Thus, the commissioners typically must limit their review of the

application to the four corners of the document. As such, they act as a rubber stamp, simply assuming the truth of what is alleged and issuing charges based on unverified, uncorroborated, and occasionally patently false allegations. Particularly problematic are situations in which someone accuses another of committing an act of violence, such as an assault. The accusation can be completely baseless, but if the allegations can be construed to create a belief that a defendant poses a danger to another or the community, the commissioner may issue an arrest warrant. As a result, a simple unsupported allegation of an assault, or any violent crime, will often lead to the issuance of an arrest warrant for the accused.

While the State's Attorney's Office ultimately has the ability to review, investigate, and determine whether to go forward on charges filed by the District Court Commissioner, in our current system any such review rarely occurs prior to the arrest of the accused on a commissioner's warrant.

This arrest warrant alone, even in instances where the case itself is later dismissed, will have devastating negative repercussions for the wrongly accused. An arrest warrant, and the subsequent arrest, often results in loss of employment; loss of housing; loss of custody of children; deprivation of liberty; and the infliction of emotional and physical trauma.

#### The Current System is Rife with Abuse

In my experience as a supervisor of public defenders in Baltimore City -- one of our State's busiest district courts, the commissioner charging system is abused most significantly by perpetrators of domestic violence. These are not the only abuses of the current system, but they are those which result in the most egregious miscarriages of justice. When a perpetrator of domestic violence is criminally charged, or believes that they may be, that perpetrator will go apply for an application of statement of charges of assault (or other crimes) to be taken out against the *victim* of their abuse, causing those survivors to be arrested. These allegations are almost always false, but also almost always result in the issuance of arrest warrants.

Perpetrators of domestic violence very often have more agency than their victims. They understand how to abuse the system and are willing to do so. Whether to retaliate against their partners for accusations made against them, 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. This abuse of the commissioner charging system causes the unnecessary and unjust arrest of innocent, victimized, individuals.

#### An Example of One Type of Abuse Regularly Occurring in our Current System

Maria R. (not her real name) was in an abusive relationship with her partner Jose M. (not his real name) for a period of roughly 10 years. She was the subject of severe physical abuse, verbal abuse, and other means of coercive control and manipulation. One frequent tactic Jose M would use to control Maria R. was the filing of false charges against her through the district court

commissioner. When I, her public defender, first encountered Maria R., she told me that she had recently, not for the first time, attempted to leave her abusive relationship with Jose M. She had rented an apartment whose address she had not disclosed to him, stopped answering his phone calls, and intended to simply avoid him. In response, Jose M. filed an application for statement of charges with the district court commissioner claiming that Ms. Rodriguez had assaulted him with a brick. There was no corroborating evidence. The police had never been called. Just handwritten allegations describing Maria R. chasing him around the house swinging a brick at him. Maria R. had been arrested on a warrant, but released at her initial appearance on an unsecured bond prior to her trial date. She explained the allegations were blatantly false. In fact, she had been working on the date of the alleged incident. She worked as a nurse at the hospital. She wasn't worried about being wrongly convicted, Jose M. she told me, wasn't likely to show up as a witness for the Court date. He never showed up any of the previous times he filed false allegations against her. But until the case was thrown out she would be unable to work, her job having suspended until the allegations were resolved. Without her income, she may lose the apartment and be forced, once again, to return to her abuser. On multiple prior occasions this had occurred. She had been wrongly arrested, humiliated, and suspended from work. Again and again, her abuser had utilized our commissioner charging system as a means to prevent her from leaving him.

#### House Bill 336: A Modest But Necessary Reform

House Bill 336 proposes a modest but necessary reform to our commissioner charging system. By restricting District Court Commissioners to issuing arrest warrants to those cases filed by the police and State's Attorneys, House Bill 336 will significantly reduce the number of arrest warrants issued in frivolous and false cases. Victims of crime may call the police when a crime is committed, especially when they are in danger. In situations where the police are unable to arrest the perpetrator at the scene they are able to apply for charges and an arrest warrant through the District Court Commissioner. House Bill 336 will not affect this process. In instances when the police, for whatever reason, are not willing or able to apply for charges (or the accuser is unwilling or unable to seek police assistance), this bill would still permit an individual to apply for charges through the District Court Commissioner without any police involvement. However, House Bill 0336 will limit the commissioner's power to issuing a summons upon an application for statement of charges based on a civilian's application. In cases filed by civilians where the commissioner believes there is probable cause that the accused poses a danger to another person or to the community, the commissioner will then forward that case to the State's Attorney's Office which will have no more than 72 hours to determine whether to request an arrest warrant be issued by the court. The State's Attorney's Office, unlike the commissioner, has the ability to investigate the allegations instead of merely relying on the application for a statement of charges. The process proposed by House Bill 336 will reduce the number of warrants being filing in false and frivolous cases, minimizing the harm done to innocent people. House Bill 336 will make

Marylanders more safe – protecting innocent individuals and freeing up resources for truthful allegations and improve efficiency though out the entire criminal legal system.

We Urge Resistance to Any Exceptions – They will Swallow the Bill

The Office of the Public Defender supports HB 0336 as written and requests that the Committee issue a favorable report. However, if the bill were to be amended to create an exception allowing District Court Commissioners to issue warrants upon receipt of applications for statements of charges by individuals eligible for relief as defined in § 4-501 of the Family Law Article, the Office of the Public Defender will oppose this bill. Such an amendment would swallow this bill. As discussed above, the most rampant abuse of the commissioner charging system in our experience is by perpetrators of domestic violence, who would fall under such a proposed exception. The Office of the Public Defender remains willing to work with those who advocate for survivors of domestic violence to create good policy for all, but would strenuously object to such an amendment that would neuter the modest but important reforms this bill seeks to effectuate to our commissioner charging system.

**For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on the House Bill 336.**

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

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