



Governor's Family Violence Council
100 Community Place, Crownsville, MD 21032

ARUNA MILLER, Co-Chair
Lieutenant Governor

ANTHONY BROWN, Co-Chair
Attorney General

TESTIMONY IN OPPOSITION OF HOUSE BILL 336

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Governor's Family Violence Council

The Governor's Family Violence Council is composed of stakeholders, including government officials, law enforcement, legislators, community advocates, victims' rights representatives, state and local government representatives, and survivors. The mission of the Governor's Family Violence Council is to provide the Governor with timely and accurate information on family violence with recommendations that will reduce and eliminate abusive behaviors.

The Governor's Family Violence Council urges the Senate Judicial Proceedings Committee to report unfavorably on House Bill 366. As drafted, HB 336 would prohibit District Court Commissioners from issuing an arrest warrant to anyone but a police officer or State's Attorney. If the commissioner believes that the defendant poses a danger to another person or the community, the commissioner could forward the statement of charges to the State's Attorney's Office to determine if a warrant is appropriate, whereupon the State's Attorney would have up to 72 hours to determine whether to issue a warrant.

This bill does not align with the Governor's Family Violence Council's mission to reduce and eliminate abusive behaviors. The ability to apply for a statement of charges with a District Court Commissioner and have an arrest warrant issued is an important safety tool for victims of domestic violence. Many victims are unable to call 911 during an abusive incident, either because the abuser takes away or destroys their phone or threatens to kill the victim if they attempt to call 911. Their only recourse in such instances is to go to a District Court Commissioner at the first safe opportunity to do so and apply for a statement of charges.

Victims who file charges remain in significant and imminent danger until the perpetrator is arrested. House Bill 336, as amended, would create an automatic waiting period between when a victim files a statement of charges and when the perpetrator could be arrested, as a State's Attorney would have up to 72 hours to review the charges and decide to issue an arrest warrant. This leaves victims vulnerable to further violence, including homicide, and in a state of fear while they wait for the State's Attorney to review the charges.

Victims frequently go to District Court Commissioners and simultaneously file statements of charges and interim protective orders. Under current law, Sheriff's deputies are then able to serve perpetrators with the interim protective order and effectuate the arrest warrant at the same time. 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. In addition, it decreases the likelihood that deputies will be able to find the perpetrator to make an arrest because they will already have been served with the

protective order and vacated from the parties' residence, making them harder to find and giving them an opportunity to flee the jurisdiction.

Not only does this bill leave victims in danger and increase the likelihood that perpetrators will be able to avoid arrest altogether, it also communicates to victims that their safety and sense of well-being is not worthy of an immediate response from the justice system. House Bill 366 is a dangerous step backward in Maryland's approach to promoting safety for victims of domestic abuse.

For these reasons, the Governor's Family Violence Council urges the Senate Judicial Proceedings Committee to report unfavorably on House Bill 366.

Contact: Rebecca Allyn, Manager of Victim Services Initiatives
Governor's Office of Crime Prevention and Policy
100 Community Place, Crownsville, MD 21032
410-697-9384
rebecca.allyn@maryland.gov