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TESTIMONY IN OPPOSITION TO HOUSE BILL 336

March 31, 2026

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The Governor's Office of Crime Prevention and Policy (GOCPP) advises the Governor on criminal justice strategies, coordinates across public safety agencies, and allocates resources statewide to support public safety. House Bill 336, which would eliminate District Court Commissioners' ability to issue arrest warrants based on a citizen-filed statement of charges, will cause harm to victims of violent crimes and will not solve the issues this bill is intended to address. GOCPP urges the Senate Judicial Proceedings Committee to report unfavorably on HB 336.

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 would forward the statement of charges to the State's Attorney's Office, whereupon the state's attorney would have up to 72 hours to determine whether to issue a warrant.

GOCPP had not initially intended to take a position on this bill, but after much reflection on its implications felt it necessary to stress that HB 336 will not address the proponents' concerns, but instead will only serve to jeopardize the safety of victims of crime, especially domestic violence, sexual assault, and other violent crimes. The bill's proponents are concerned that citizens maliciously file false complaints, causing innocent people to be arrested and jailed. To support this contention, the proponents point to how few citizen-filed complaints result in convictions. This reasoning fails to account for the number of actual victims who file citizen complaints but do not appear in court for myriad reasons, including fear of the perpetrator, inability to take time off work, and lack of child care and/or transportation, to name but a few. Before undertaking a drastic change in the law, we need more data on how many cases fall into each of these categories and then figure out how to 1) effectively deter filing of false complaints and 2) remove barriers to victims' pursuit of criminal prosecutions. Until then, the only thing HB 336 will accomplish is to strip victims of domestic violence and other violent crimes of a critical form of protection and will ultimately lead to the further assault or death of victims.

One of the shortcomings of HB 336, in addition to the automatic waiting period for a warrant, is that prosecutors will be in no better position to assess the need for a warrant than

commissioners are. At least when a commissioner reviews a statement of charges, the complainant is sitting in front of them and the commissioner can assess the person's demeanor and physical appearance. Prosecutors will have none of this information, only a piece of paper with words on it, to determine how to proceed. This is more likely to lead to dangerous people evading arrest and prosecution than it is to preventing false charges or failure to appear in court. HB 336 is a misguided effort to address one problem by creating a much more significant and dangerous one and reducing victims' access to justice by reducing their access to the courts.

The Governor's Office of Crime Prevention and Policy urges the Senate Judicial Proceedings Committee to issue an unfavorable report on House Bill 336.