



BILL NO: House Bill 1183
TITLE: Criminal Procedure - District Court Commissioners and False Statements
COMMITTEE: Judiciary
HEARING DATE: March 5, 2024
POSITION: **OPPOSE**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the House Judiciary Committee to issue an unfavorable report on HB 1183.**

House Bill 1183 would prohibit a District Court Commissioner from issuing an arrest warrant to an individual other than a police officer or a State's Attorney. It would also increase the penalty for making a false statement or report to a certain governmental official or unit from 6 months to up to 3 years imprisonment. The impact of this legislation, if passed, could be devastating to a victim of domestic violence.

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 1183 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 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. One of the many reasons that a victim of domestic violence might not report abuse is due to subsequent violence they might experience if it is reported. 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 blanket removal of the ability for a District Court commissioner to issue an arrest warrant if it is needed for the safety of others could jeopardize the safety of the victim.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on HB 1183.**

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