

SENATE BILL 270

D4

5lr1566
CF HB 390

By: **Senators Lee, Kagan, King, and Klausmeier**

Introduced and read first time: February 4, 2015

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 4, 2015

CHAPTER _____

1 AN ACT concerning

2 **Protective Order and Peace Order Petitions – Maryland Residents**

3 FOR the purpose of authorizing the filing of a protective order petition if the abuse is
4 alleged to have occurred in the State or if the person eligible for relief is a resident
5 of the State; authorizing the filing of a peace order petition if a certain act is alleged
6 to have occurred in the State or if the petitioner is a resident of the State; declaring
7 that it is the intent of the General Assembly that an order for protection issued by a
8 court of this State shall be accorded full faith and credit by a court of another state
9 to the extent required by federal law; and generally relating to protective orders and
10 peace orders.

11 BY repealing and reenacting, with amendments,
12 Article – Family Law
13 Section 4–504(a) and 4–508.1
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2014 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Courts and Judicial Proceedings
18 Section 3–1503(a)
19 Annotated Code of Maryland
20 (2013 Replacement Volume and 2014 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Family Law

4–504.

(a) (1) A petitioner may seek relief from abuse by filing with a court, or with a commissioner under the circumstances specified in § 4–504.1(a) of this subtitle, a petition that alleges abuse of any person eligible for relief by the respondent.

(2) A PETITION MAY BE FILED UNDER THIS SUBTITLE IF:

(I) THE ABUSE IS ALLEGED TO HAVE OCCURRED IN THE STATE;
OR

(II) THE PERSON ELIGIBLE FOR RELIEF IS A RESIDENT OF THE STATE, REGARDLESS OF WHETHER THE ABUSE IS ALLEGED TO HAVE OCCURRED IN THE STATE.

4–508.1.

(a) (1) In this section, “order for protection” means a temporary or final order or injunction that:

(i) is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person;

(ii) is issued by a civil court in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection or by a criminal court; and

(iii) is obtained by filing an independent action or as a pendente lite order in another proceeding.

(2) “Order for protection” does not include a support or child custody order.

(b) An order for protection issued by a court of another state or a Native American tribe shall be accorded full faith and credit by a court of this State and shall be enforced:

(1) in the case of an ex parte order for protection, only to the extent that the order affords relief that is permitted under § 4–505 of this subtitle; and

(2) in the case of an order for protection, other than an ex parte order for protection, only to the extent that the order affords relief that is permitted under § 4–506(d) of this subtitle.

1 (c) A law enforcement officer shall arrest with or without a warrant and take into
2 custody a person who the officer has probable cause to believe is in violation of an order for
3 protection that was issued by a court of another state or a Native American tribe and is in
4 effect at the time of the violation if the person seeking the assistance of the law enforcement
5 officer:

6 (1) has filed with the District Court or circuit court for the jurisdiction in
7 which the person seeks assistance a copy of the order; or

8 (2) displays or presents to the law enforcement officer a copy of the order
9 that appears valid on its face.

10 (d) A law enforcement officer acting in accordance with this section shall be
11 immune from civil liability if the law enforcement officer acts in good faith and in a
12 reasonable manner.

13 **(E) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT AN ORDER FOR**
14 **PROTECTION ISSUED BY A COURT OF THIS STATE SHALL BE ACCORDED FULL FAITH**
15 **AND CREDIT BY A COURT OF ANOTHER STATE TO THE EXTENT REQUIRED BY**
16 **FEDERAL LAW.**

17 Article – Courts and Judicial Proceedings

18 3–1503.

19 (a) **(1)** A petitioner may seek relief under this subtitle by filing with the court,
20 or with a commissioner under the circumstances specified in § 3–1503.1(a) of this subtitle,
21 a petition that alleges the commission of any of the following acts against the petitioner by
22 the respondent, if the act occurred within 30 days before the filing of the petition:

23 [(1)] **(I)** An act that causes serious bodily harm;

24 [(2)] **(II)** An act that places the petitioner in fear of imminent serious
25 bodily harm;

26 [(3)] **(III)** Assault in any degree;

27 [(4)] **(IV)** Rape or sexual offense under §§ 3–303 through 3–308 of the
28 Criminal Law Article or attempted rape or sexual offense in any degree;

29 [(5)] **(V)** False imprisonment;

30 [(6)] **(VI)** Harassment under § 3–803 of the Criminal Law Article;

31 [(7)] **(VII)** Stalking under § 3–802 of the Criminal Law Article;

1 [(8) (VIII) Trespass under Title 6, Subtitle 4 of the Criminal Law Article; or

2 [(9) (IX) Malicious destruction of property under § 6–301 of the Criminal
3 Law Article.

4 (2) A PETITION MAY BE FILED UNDER THIS SUBTITLE IF:

5 (I) THE ACT DESCRIBED IN PARAGRAPH (1) OF THIS
6 SUBSECTION IS ALLEGED TO HAVE OCCURRED IN THE STATE; OR

7 (II) THE PETITIONER IS A RESIDENT OF THE STATE,
8 REGARDLESS OF WHETHER THE ACT DESCRIBED IN PARAGRAPH (1) OF THIS
9 SUBSECTION IS ALLEGED TO HAVE OCCURRED IN THE STATE.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2015.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.