

HOUSE BILL 314

D4, D3

6lr1558
CF 6lr2279

By: **Delegates Atterbeary, Cluster, Dumais, Ebersole, Glass, Hill, Kelly, Lam, Malone, McComas, Morales, Parrott, Pendergrass, Proctor, Smith, Turner, Valderrama, Valentino-Smith, B. Wilson, and C. Wilson**

Introduced and read first time: January 27, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Peace Orders – Grounds for Relief**

3 FOR the purpose of adding certain offenses to the list of offenses alleged to have been
4 committed by a certain respondent against a certain victim for which a peace order
5 request or a peace order petition may be filed under certain circumstances; and
6 generally relating to peace orders.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–8A–19.1 and 3–1503(a)
10 Annotated Code of Maryland
11 (2013 Replacement Volume and 2015 Supplement)

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

14 **Article – Courts and Judicial Proceedings**

15 3–8A–19.1.

16 (a) In this section and in §§ 3–8A–19.2, 3–8A–19.3, and 3–8A–19.4 of this subtitle,
17 “victim” means an individual against whom an act described in subsection (b) of this section
18 is committed or alleged to have been committed.

19 (b) (1) Except as provided in paragraph (2) of this subsection, after an inquiry
20 conducted in accordance with § 3–8A–10 of this subtitle, an intake officer may file with the
21 court a peace order request that alleges the commission of any of the following acts against
22 a victim by the respondent, if the act occurred within 30 days before the filing of the
23 complaint under § 3–8A–10 of this subtitle:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) An act that causes serious bodily harm;
- 2 (ii) An act that places the victim in fear of imminent serious bodily
3 harm;
- 4 (iii) Assault in any degree;
- 5 (iv) Rape or sexual offense under §§ 3–303 through 3–308 of the
6 Criminal Law Article or attempted rape or sexual offense in any degree;
- 7 (v) False imprisonment;
- 8 (vi) Harassment under § 3–803 of the Criminal Law Article;
- 9 (vii) Stalking under § 3–802 of the Criminal Law Article;
- 10 (viii) Trespass under Title 6, Subtitle 4 of the Criminal Law Article;
11 [or]
- 12 (ix) Malicious destruction of property under § 6–301 of the Criminal
13 Law Article;
- 14 **(X) MISUSE OF TELEPHONE FACILITIES AND EQUIPMENT**
15 **UNDER § 3–804 OF THE CRIMINAL LAW ARTICLE;**
- 16 **(XI) MISUSE OF ELECTRONIC COMMUNICATION OR**
17 **INTERACTIVE COMPUTER SERVICE UNDER § 3–805 OF THE CRIMINAL LAW ARTICLE;**
- 18 **(XII) REVENGE PORN UNDER § 3–809 OF THE CRIMINAL LAW**
19 **ARTICLE; OR**
- 20 **(XIII) VISUAL SURVEILLANCE UNDER § 3–901, § 3–902, OR § 3–903**
21 **OF THE CRIMINAL LAW ARTICLE.**

22 (2) After a review conducted in accordance with § 3–8A–10(c)(4)(ii) of this
23 subtitle, the State’s Attorney may file with the court a peace order request that meets the
24 requirements of paragraph (1) of this subsection.

25 3–1503.

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

- 1 (i) An act that causes serious bodily harm;
- 2 (ii) An act that places the petitioner in fear of imminent serious
3 bodily harm;
- 4 (iii) Assault in any degree;
- 5 (iv) Rape or sexual offense under §§ 3–303 through 3–308 of the
6 Criminal Law Article or attempted rape or sexual offense in any degree;
- 7 (v) False imprisonment;
- 8 (vi) Harassment under § 3–803 of the Criminal Law Article;
- 9 (vii) Stalking under § 3–802 of the Criminal Law Article;
- 10 (viii) Trespass under Title 6, Subtitle 4 of the Criminal Law Article;
- 11 [or]
- 12 (ix) Malicious destruction of property under § 6–301 of the Criminal
13 Law Article;
- 14 (X) MISUSE OF TELEPHONE FACILITIES AND EQUIPMENT
15 UNDER § 3–804 OF THE CRIMINAL LAW ARTICLE;
- 16 (XI) MISUSE OF ELECTRONIC COMMUNICATION OR
17 INTERACTIVE COMPUTER SERVICE UNDER § 3–805 OF THE CRIMINAL LAW ARTICLE;
- 18 (XII) REVENGE PORN UNDER § 3–809 OF THE CRIMINAL LAW
19 ARTICLE; OR
- 20 (XIII) VISUAL SURVEILLANCE UNDER § 3–901, § 3–902, OR § 3–903
21 OF THE CRIMINAL LAW ARTICLE.

22 (2) A petition may be filed under this subtitle if:

- 23 (i) The act described in paragraph (1) of this subsection is alleged to
24 have occurred in the State; or
- 25 (ii) The petitioner is a resident of the State, regardless of whether
26 the act described in paragraph (1) of this subsection is alleged to have occurred in the State.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2016.