

Department of Legislative Services
 Maryland General Assembly
 2020 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1352
 Judiciary

(Delegate McComas, *et al.*)

Peace Orders and Protective Orders - Coercive Control

This bill expands the definition of “abuse” as it applies to petitions for domestic violence protective orders to include, if the person for whom relief is sought is an adult, “coercive control.” It also authorizes a person to file a petition for a peace order based on the act of “coercive control.”

Fiscal Summary

State Effect: General fund expenditures increase by \$100,700 in FY 2021 only, as discussed below. Revenues are not affected.

(in dollars)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	100,700	0	0	0	0
Net Effect	(\$100,700)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill does not materially affect local finances or operations.

Small Business Effect: None.

Analysis

Bill Summary: “Coercive control” means repeated or continuous behavior toward an adult individual that (1) is controlling or coercive; (2) has a “serious effect” on the other individual; and (3) the individual who engages in the behavior knows or reasonably should know will have a “serious effect” on the other individual.

“Serious effect” means (1) fear, on at least two occasions, that violence will be used against the individual or (2) alarm or distress that has a substantial adverse effect on the individual’s usual day-to-day activities.

Current Law:

Protective Orders

An individual may seek relief from “abuse” by filing a petition for a protective order with the court or, if the clerk’s office is closed, with a District Court commissioner.

“Abuse” is defined as:

- an act that causes serious bodily harm;
- an act that places a person eligible for relief in fear of imminent serious bodily harm;
- assault in any degree;
- rape or sexual offense or attempted rape or sexual offense in any degree;
- false imprisonment;
- stalking; or
- revenge porn.

If the person for whom relief is sought is a child, “abuse” may also include abuse of a child, as defined in statute. “Abuse” may also include abuse of a vulnerable adult, as defined in statute, if the person for whom relief is sought is a vulnerable adult.

Peace Orders

A person who does not meet specified relationship standards under the Family Law Article, which governs protective orders, may file a petition for a peace order. A petition for a peace order must allege that specified acts occurred against the petitioner by the respondent within 30 days before the filing of the petition. Specified acts include (1) an act that causes serious bodily harm; (2) an act that places the petitioner in fear of imminent serious bodily harm; (3) assault in any degree; (4) rape or sexual offense, as specified or attempted rape or sexual offense in any degree; (5) false imprisonment; (6) harassment; (7) stalking; (8) trespassing; (9) malicious destruction of property; (10) misuse of telephone facilities and equipment; (11) misuse of electronic communication or interactive computer service; (12) revenge porn; or (13) visual surveillance.

Background: In fiscal 2018 (the latest information readily available), the circuit courts granted 4,113 temporary protective orders and 1,859 final protective orders. In fiscal 2019, the District Court granted 14,383 interim protective orders, 19,083 temporary protective

orders, and 8,764 final protective orders. In the same year, the District Court granted 6,524 interim peace orders, 15,512 temporary peace orders, and 5,415 final peace orders.

State/Local Fiscal Effect: General fund expenditures increase by \$100,728 in fiscal 2021 only for the Judiciary to make necessary programming changes. Although the bill may result in increased petitions for domestic violence protective orders and peace orders, it is not anticipated to materially impact the operations or finances of the District Court, which handles the majority of protective order and peace order petitions. It also does not materially impact the workload of the circuit courts. The enforcement of additional protective orders and peace orders can be handled using existing budgeted resources.

Additional Information

Prior Introductions: HB 850 of 2019 received a hearing in the House Judiciary Committee, but no further action was taken. HB 599 of 2018 received an unfavorable report from the House Judiciary Committee.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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an/lgc

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