

HOUSE BILL 1069

D4

3lr2273

By: **Delegates McComas, Schmidt, Taveras, Valentine, and Wivell**

Introduced and read first time: February 10, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Protective Orders – Coercive Control**

3 FOR the purpose of authorizing a certain person to petition for a protective order against
4 another person whom the petitioner alleges has engaged in certain behavior toward
5 the petitioner that is controlling or coercive; and generally relating to protective
6 orders and coercive control.

7 BY repealing and reenacting, with amendments,
8 Article – Family Law
9 Section 4–501
10 Annotated Code of Maryland
11 (2019 Replacement Volume and 2022 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article – Family Law
14 Section 4–504
15 Annotated Code of Maryland
16 (2019 Replacement Volume and 2022 Supplement)

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

19 **Article – Family Law**

20 4–501.

21 (a) In this subtitle the following words have the meanings indicated.

22 (b) (1) “Abuse” means any of the following acts:

23 (i) an act that causes serious bodily harm;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) an act that places a person eligible for relief in fear of imminent
2 serious bodily harm;

3 (iii) assault in any degree;

4 (iv) rape or sexual offense under § 3–303, § 3–304, § 3–307, or §
5 3–308 of the Criminal Law Article or attempted rape or sexual offense in any degree;

6 (v) false imprisonment;

7 (vi) stalking under § 3–802 of the Criminal Law Article; [or]

8 (vii) revenge porn under § 3–809 of the Criminal Law Article; **OR**

9 **(VIII) IF THE PERSON FOR WHOM RELIEF IS SOUGHT IS AN ADULT,**
10 **COERCIVE CONTROL.**

11 (2) (i) If the person for whom relief is sought is a child, “abuse” may
12 also include abuse of a child, as defined in Title 5, Subtitle 7 of this article.

13 (ii) Nothing in this subtitle shall be construed to prohibit reasonable
14 punishment, including reasonable corporal punishment, in light of the age and condition of
15 the child, from being performed by a parent or stepparent of the child.

16 (3) If the person for whom relief is sought is a vulnerable adult, “abuse”
17 may also include abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this article.

18 (c) “Child care provider” means a person that provides supervision and care for a
19 minor child.

20 (d) **“COERCIVE CONTROL” MEANS A PATTERN OF EMOTIONAL OR**
21 **PSYCHOLOGICAL MANIPULATION, MALTREATMENT, THREAT OF FORCE, OR**
22 **INTIMIDATION USED TO COMPEL AN INDIVIDUAL TO ACT, OR REFRAIN FROM ACTING,**
23 **AGAINST THE INDIVIDUAL’S WILL.**

24 (E) “Cohabitant” means a person who has had a sexual relationship with the
25 respondent and resided with the respondent in the home for a period of at least 90 days
26 within 1 year before the filing of the petition.

27 [(e)] (F) “Commissioner” means a District Court Commissioner appointed in
28 accordance with Article IV, § 41G of the Maryland Constitution.

29 [(f)] (G) “Court” means the District Court or a circuit court in this State.

1 **[(g)] (H)** “Emergency family maintenance” means a monetary award given to or
2 for a person eligible for relief to whom the respondent has a duty of support under this
3 article based on:

4 (1) the financial needs of the person eligible for relief; and

5 (2) the resources available to the person eligible for relief and the
6 respondent.

7 **[(h)] (I)** “Executive Director” means the Executive Director of the Governor’s
8 Office of Crime Prevention, Youth, and Victim Services.

9 **[(i)] (J)** “Final protective order” means a protective order issued under § 4–506
10 of this subtitle.

11 **[(j)] (K)** “Home” means the property in this State that:

12 (1) is the principal residence of a person eligible for relief; and

13 (2) is owned, rented, or leased by the person eligible for relief or respondent
14 or, in a petition alleging child abuse or abuse of a vulnerable adult, an adult living in the
15 home at the time of a proceeding under this subtitle.

16 **[(k)] (L)** “Interim protective order” means an order that a Commissioner issues
17 under this subtitle pending a hearing by a judge on a petition.

18 **[(l)] (M)** “Local department” means the local department that has jurisdiction in
19 the county:

20 (1) where the home is located; or

21 (2) if different, where the abuse is alleged to have taken place.

22 **[(m)] (N)** “Person eligible for relief” includes:

23 (1) the current or former spouse of the respondent;

24 (2) a cohabitant of the respondent;

25 (3) a person related to the respondent by blood, marriage, or adoption;

26 (4) a parent, stepparent, child, or stepchild of the respondent or the person
27 eligible for relief who resides or resided with the respondent or person eligible for relief for
28 at least 90 days within 1 year before the filing of the petition;

29 (5) a vulnerable adult;

1 (6) an individual who has a child in common with the respondent;

2 (7) an individual who has had a sexual relationship with the respondent
3 within 1 year before the filing of the petition; and

4 (8) an individual who alleges that the respondent committed, within 6
5 months before the filing of the petition, any of the following acts against the individual:

6 (i) rape or a sexual offense under § 3–303, § 3–304, § 3–307, or §
7 3–308 of the Criminal Law Article; or

8 (ii) attempted rape or sexual offense in any degree.

9 **[(n)] (O)** (1) “Pet” means a domesticated animal.

10 (2) “Pet” does not include livestock.

11 **[(o)] (P)** (1) “Petitioner” means an individual who files a petition.

12 (2) “Petitioner” includes:

13 (i) a person eligible for relief; or

14 (ii) the following persons who may seek relief from abuse on behalf
15 of a minor or vulnerable adult:

16 1. the State’s Attorney for the county where the child or
17 vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;

18 2. the department of social services that has jurisdiction in
19 the county where the child or vulnerable adult lives, or, if different, where the abuse is
20 alleged to have taken place;

21 3. a person related to the child or vulnerable adult by blood,
22 marriage, or adoption; and

23 4. an adult who resides in the home.

24 **[(p)] (Q)** “Residence” includes the yard, grounds, outbuildings, and common
25 areas surrounding the residence.

26 **[(q)] (R)** “Respondent” means the person alleged in the petition to have
27 committed the abuse.

28 **[(r)] (S)** “Temporary protective order” means a protective order issued under §
29 4–505 of this subtitle.

1 ~~[(s)]~~ **(T)** “Victim” includes a person eligible for relief.

2 ~~[(t)]~~ **(U)** “Vulnerable adult” has the meaning provided in § 14–101(q) of this
3 article.

4 4–504.

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

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

9 (i) the abuse is alleged to have occurred in the State; or

10 (ii) the person eligible for relief is a resident of the State, regardless
11 of whether the abuse is alleged to have occurred in the State.

12 (b) (1) The petition shall:

13 (i) be under oath; and

14 (ii) include any information known to the petitioner of:

15 1. the nature and extent of the abuse for which the relief is
16 being sought, including information known to the petitioner concerning previous injury
17 resulting from abuse by the respondent;

18 2. each previous action between the parties in any court;

19 3. each pending action between the parties in any court;

20 4. the whereabouts of the respondent, if known;

21 5. if financial relief is requested, information known to the
22 petitioner regarding the financial resources of the respondent; and

23 6. in a case of alleged child abuse or alleged abuse of a
24 vulnerable adult, the whereabouts of the child or vulnerable adult and any other
25 information relating to the abuse of the child or vulnerable adult.

26 (2) If the petition states that disclosure of the address of a person eligible
27 for relief would risk further abuse of a person eligible for relief, or reveal the confidential
28 address of a shelter for domestic violence victims, that address may be omitted from all
29 documents filed with a commissioner or filed with, or transferred to, a court. If disclosure

1 is necessary to determine jurisdiction or consider any venue issue, it shall be made orally
2 and in camera and may not be disclosed to the respondent.

3 (c) The petitioner may not be required to pay a filing fee or costs for the issuance
4 or service of:

5 (1) an interim protective order;

6 (2) a temporary protective order;

7 (3) a final protective order; or

8 (4) a witness subpoena.

9 (d) (1) If a petitioner has requested notification of the service of a protective
10 order, the Department of Public Safety and Correctional Services shall:

11 (i) notify the petitioner of the service on the respondent of an
12 interim or a temporary protective order within one hour after a law enforcement officer
13 electronically notifies the Department of Public Safety and Correctional Services of the
14 service; and

15 (ii) notify the petitioner of the service on the respondent of a final
16 protective order within one hour after knowledge of service of the order on the respondent.

17 (2) The Department of Public Safety and Correctional Services shall
18 develop a notification request form and procedures for notification under this subsection.

19 (3) The court clerk or Commissioner shall provide the notification request
20 form to a petitioner.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2023.