

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 929
Judiciary

(Delegate Simpson, *et al.*)

Judicial Proceedings

Family Law - Permanent Protective Orders - Consent

This bill alters statutory provisions that govern the issuance of a permanent protective order by specifying that an individual may consent to the issuance of such an order.

Fiscal Summary

State Effect: General fund expenditures for the Judiciary increase by \$30,300 in FY 2026 only for one-time programming costs. The bill is not otherwise anticipated to materially affect State finances or operations.

Local Effect: The bill is not anticipated to materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Current Law: A person meeting specified relationship requirements may seek relief from abuse by filing a petition for a protective order. For the purpose of protective orders, “abuse” means (1) an act that causes serious bodily harm; (2) an act that places a person eligible for relief in fear of imminent serious bodily harm; (3) assault in any degree; (4) rape or sexual offense, as specified; (5) false imprisonment; (6) stalking; or (7) revenge porn.

A judge may grant a final protective order if the judge finds by a preponderance of the evidence that the alleged abuse has occurred or if the respondent consents to the entry of the order. Among other relief, a final protective order may order the respondent to

(1) refrain from abusing or threatening to abuse any person eligible for relief; (2) refrain from contacting, attempting to contact, or harassing any person eligible for relief; (3) refrain from entering the residence of any person eligible for relief; (4) remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members; or (5) remain away from a child care provider of a person eligible for relief while the child is in the provider's care. A final protective order may also address issues relating to custody and visitation, use and possession of a home or vehicle, emergency family maintenance, counseling, payment of costs, and temporary possession of a pet. A final protective order must require the respondent to surrender to law enforcement authorities any firearm in the respondent's possession and to refrain from possession of any firearm for the duration of the protective order. All relief granted in a final protective order is effective for the period stated in the order, generally up to a maximum of 12 months. A final protective order may be issued for up to two years in specified circumstances set forth in statute. Statutory provisions also set forth circumstances under which a final protective order may be modified, rescinded, or extended.

A court must grant a permanent protective order against an individual if:

- an interim, temporary, or final protective order has been issued against the individual;
- (1) the individual was convicted and sentenced to serve a term of imprisonment of at least five years for the act of abuse that led to the issuance of the interim, temporary, or final protective order *and* the individual has served at least 12 months of the sentence *or* (2) during the term of the interim, temporary, or final protective order, the individual committed an act of abuse against the person eligible for relief *and* the individual was convicted and sentenced to serve a term of imprisonment of at least five years for the act and has served at least 12 months of the sentence; and
- the victim of the act of abuse described above, who was the person eligible for relief in the interim, temporary, or final protective order, requests the issuance of a permanent protective order.

A permanent protective order may (1) only be terminated at the request of the victim and (2) contain only the relief that was granted in the original protective order that required the respondent to refrain from abusing or threatening to abuse the person eligible for relief or to refrain from contacting, attempting to contact, or harassing the person eligible for relief.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 721 (Senator Henson) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 18, 2025
js/jkb Third Reader - March 7, 2025

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