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POSITION ON PROPOSED LEGISLATION

BILL: House Bill 1178 - Peace Order and Protective Orders - Coercive Control

POSITION: Unfavorable

DATE: March 7, 2022

House Bill 1178 is an unnecessary and overbroad addition to the protective order statute. The bill proposes a new category of conduct entitling an individual to obtain a protective order, namely, when one has been subject to "coercive control," by another person. The term "coercive control" is defined in the bill as behavior that is "controlling or coercive" that "has a serious effect on the other individual." The bill does not define the terms coercive or controlling, and the definition of "serious effect" is ambiguous and overbroad.

Creating a new category of behavior that may result in an individual obtaining a protective order is redundant to existing types of conduct, such as "an act that causes serious bodily harm," an act that places the petitioner "in fear of imminent serious bodily harm," assault in any degree, and harassment, among others, that already may form the basis for obtaining a protective order.

For these reasons, the Maryland Office of the Public Defender respectfully requests that this Committee issue an unfavorable report on House Bill 1178.

Submitted by: Government Relations Division of the Maryland Office of the Public Defender.