



**BILL NO:** House Bill 745  
**TITLE:** Family Law - Protective Orders - Crimes of Violence and Stalking  
**COMMITTEE:** Judicial Proceedings  
**HEARING DATE:** April 2, 2024  
**POSITION:** **OPPOSE**

---

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue an unfavorable report on HB 745.**

House Bill 745 would upend the longstanding and critical delineation of eligibility for Maryland's protective order and add non-intimate partner victims of stalking to the protective order resulting in unnecessary confusion among predominantly pro se litigants. House Bill 745 would also elevate the protections available for victims of stranger stalking above what victims of dating violence are eligible for. On the [Court's website](#) it clearly explains, "A peace order is another way the court can protect you. Any relationship that does NOT qualify for a protective order is eligible for a peace order. Those relationships include neighbors, strangers, or someone with whom you have a non-sexual dating relationship."

Maryland offers two types of civil orders for victims seeking safety, a peace order, and a protective order. Protective Orders address issues unique to those in an intimate partner or familial relationship. Peace Orders are a form of relief available to those that do not meet the relationship requirements of a protective order. This clear delineation is valuable for pro se litigants to understand which order to apply for. It also allows for the enhanced protections available pursuant to a protective order since it limits those eligible for relief. Extreme Risk Protective Orders can be utilized as well.

The protective order was created for victims of domestic violence, the protections included are unique, expansive, and designed to address the **high risk of lethality** and dangerousness for victims of domestic violence. **The protective order is an extraordinary remedy with extraordinary relief which is why the protective order is so limited in terms of eligibility.** The peace order addresses the needs of those that don't meet the relationship requirements and if more protections are needed then the peace order should be improved for all victims eligible for a peace order. To retain the extreme remedies included in the protective order, including ordering an individual to vacate their home, aware custody of children, and order the surrender of firearms and subsequent prohibition on possession of a firearm throughout the duration of the order, it must remain limited in eligibility. Expanding the protective order to include those that do not have an intimate or familial relationship would dilute the protective order and could result in harm to the very victims the protective order was created to protect.

---

For further information contact Melanie Shapiro ■ Public Policy Director ■ 301-852-3930 ■ [mshapiro@mnadv.org](mailto:mshapiro@mnadv.org)

1997 Annapolis Exchange Parkway, Suite 300 ■ Annapolis, MD 21401  
Tel: 301-429-3601 ■ E-mail: [info@mnadv.org](mailto:info@mnadv.org) ■ Website: [www.mnadv.org](http://www.mnadv.org)



Stalking in an intimate partner relationship is a lethality factor and increases the risk of intimate partner homicide by three times.<sup>1</sup> Among female victims of attempted and completed intimate partner homicide by male partners, in the 12 months prior to the attack, 85% of attempted and 76% of completed homicide victims were stalked. The research on non-intimate partner stalking suggests that “Ex-intimate partners pose a relatively high risk of violence, and strangers and acquaintances a relatively low risk.”<sup>2</sup>

There are five different types of stalkers: the rejected stalker, the resentful stalker, the intimacy seeking stalker, the incompetent stalker, and the predatory stalker.<sup>3,4</sup> When assessing the risk of stalkers based on their type, the evidence demonstrates that, “Ex-intimates are the stalking victims most likely to be threatened and assaulted. A history of domestic violence and/or jealousy before separation have been reported, in some but not all studies, to increase the risk of violence in this group. At the other extreme, stranger stalkers present the lowest risk of assaulting their victims... The dramatic differences between the risks of assault for ex-intimates and strangers, particularly those who are public figures, account for a significant amount of variance in this area.”<sup>5</sup> Those victims of intimate partner stalking are eligible for a protective order. While victims of stranger stalking should be and are eligible for relief and protections including peace orders, extreme risk protective orders. Non-intimate partner stalking should remain in the peace order since the research demonstrates extremely different risk levels and need for greater protections for former intimate partners who are stalked.

House Bill 745 does not meaningfully improve the path to a permanent protective order for victims of domestic violence and could prevent future progress. While the sentencing requirements are removed, there is still a requirement that there be a criminal conviction. The overwhelming majority of victims of domestic violence do not report their victimization to law enforcement, and if they do, the charges often do not result in conviction. A determination by a court exercising discretion that a permanent protective order should be granted based on factors including the nature and severity of the acts of abuse; the history and severity of abuse in the relationship between the respondent and any person eligible for relief named in the protective order; and the nature and extent of the injury or risk of injury caused by the respondent is the type of reform that would benefit victims of domestic violence and improve the pathway to a permanent protective order.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on HB 745.**

---

<sup>1</sup> <https://www.stalkingawareness.org/wp-content/uploads/2018/11/Stalking-IPV-Fact-Sheet.pdf>

<sup>2</sup> [https://www.researchgate.net/publication/24006630\\_Violence\\_in\\_stalking\\_situations](https://www.researchgate.net/publication/24006630_Violence_in_stalking_situations)

<sup>3</sup> Mullen PE, Pathé M, Purcell R, *et al*: Study of stalkers. *Am J Psychiatry* **156**:1244–9, 1999.

<sup>4</sup> Paul E. Mullen, Rachel Mackenzie, James R. P. Ogloff, Michele Pathé, Troy McEwan and Rosemary Purcell, *Assessing and Managing the Risks in the Stalking Situation*, Journal of the American Academy of Psychiatry and the Law Online December 2006, 34 (4) 439-450

<sup>5</sup> *Id.*

For further information contact Melanie Shapiro ■ Public Policy Director ■ 301-852-3930 ■ [mshapiro@mnadv.org](mailto:mshapiro@mnadv.org)