

BILL NO: House Bill 745
TITLE: Family Law - Protective Orders - Crimes of Violence and Stalking
COMMITTEE: Judicial Proceedings
HEARING DATE: April 02, 2024
POSITION: **OPPOSE**

House Bill 745 aims to include stalking by non-intimate partners into the Protection Order. In addition, it would revamp the Permanent Protection Order law, allowing for a more robust ability to obtain a permanent order of protection.

Maryland has two types of civil orders to provide safety to victims - protection orders, and peace orders. Over many years, this legislative body has honed the Protection Order statute so that it is largely available to people identified by specific, mostly familial relationships, while peace orders are now for people experiencing difficulty with someone with whom they have no specific relationship (e.g. neighbors, bar fights, co-workers, no sexual relationship, etc.). This separation has been vital for the almost entirely self-represented victims seeking redress in the court system through one of these forms of relief. It creates predictability in which order to seek when going to court for the temporary order of protection. In addition, the protection order offers relief that is compatible with these relationships that are not relevant or necessary in the peace order scenario.

House Bill 745, if passed would add victims of stranger stalking into the protective order. The result will be a great deal of confusion for potential petitioners as well as the courts. The majority of petitioners file for their orders without the assistance of counsel. The Maryland Judiciary website provides the general public with information and guidance as to which order is appropriate based on their circumstances. The Judiciary draws the distinction between the two types of orders, protective vs. peace, by the relationship a petitioner has to an alleged abuser/respondent. Currently as written, if HB745 becomes law, stalking would be a basis for relief in both the Protective order and the Peace order.

We recognize that for some people the peace order is of too short a duration or does not provide the safety people are seeking and deserve. Legislation that gives courts the ability to lengthen the peace order and remove firearms from an abuser makes much more sense.

For all these reasons we oppose House Bill 745 and urge the Senate Judicial Proceedings Committee to issue an unfavorable report.

The Women's Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.