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February 15, 2024

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Rhea Harris
Deputy Chief, Legislative Affairs, Office of the Attorney General

RE: House Bill 745 – Family Law- Protective Orders – Crimes of Violence and Stalking – **Support**

The Office of the Attorney General requests a favorable report on House Bill 745. House Bill 745 adds stalking to the list of offenses for which an individual may petition for a protective order and alters provisions of law relating to the issuance of a permanent protective order.

The current method of getting a protective order is for the person seeking the protective order be one of the following: 1) the current or former spouse, 2) cohabitant of the respondent, 3) related to the respondent by blood, marriage, or adoption, 4) parent or child of the respondent, 5) a vulnerable adult, 6) someone with a child in common with the respondent, or 7) someone who alleges rape or sex offense by the respondent in the prior 6 months. House Bill 745 would add to category 7 someone who alleges stalking within the past 6 months.

Currently, the order of protective orders follows a path: interim protective order, temporary protective order, then final protective order. The final protective order lasts for one year and usually is the end of the road for a protective order. However, under Family Law Article, Section 4-506(k), under certain circumstances, the Court can issue a “permanent” protective order. Currently, if the victim requests a permanent protective, the Court must grant a

permanent protective order if the respondent was sentenced to 5+ years in prison for the act that led to the original protective order OR the respondent committed an act during the duration of the original protective order and was sentenced to 5+ years for that act.

House Bill 745 adds another circumstance where the Court must grant a permanent protective order. The bill would add that, regardless of the length of the prison sentence, if the respondent was convicted of a crime of violence or stalking based on the act that led to the original protective order, then the Court must add a permanent protective order.

For the foregoing reasons, the Office of the Attorney General requests a favorable report on House Bill 745.

cc: Delegate Emily Shetty
Judiciary Committee Members