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**Working to end sexual violence in Maryland**

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**Testimony Supporting House Bill 745 with Amendments**  
**Lisae C. Jordan, Executive Director & Counsel**  
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judiciary Committee to report favorably on House Bill 745 with Amendments.

**House Bill 745 - Expanding Availability of Permanent Protective Orders and Protections for Victims of Stalking**

As introduced, this bill would expand the availability of protective orders to all victims of stalking and would permit the court to issue a permanent protective order to victims of stalking or victims of crimes of violence as defined by the Criminal Law Article, §14-101.

Protective orders provide the first line of defense to many victims of power-based personal violence. While the majority of these fall into the category of intimate partner violence, not all do. Protective orders are also available to survivors of sexual assault – including rape by assailants who are not partners – victims of child abuse, and in some elder abuse cases. Protective orders are longer than peace orders, generally treated as more serious, and other forms of relief flow from the issuance of an original protective order, such as the availability of a 2 year order or a permanent protective order. It is important to note, however, that some relief is not available to all petitioners. For example, if the petitioner and respondent do not have children in common, then custody and visitation cannot be ordered. Similarly, if the petitioner and respondent do not live together, use and possession of a home cannot be granted. These types of limitations, however, are a function of the facts of the case, however, not a function of whether a case involves domestic violence as opposed to non-intimate partner sexual assault.

**Stalking.** HB745 seeks to expand protective orders to all victims of stalking, including those who are not intimate partners. This is parallel to the protection that victims of sexual assault are provided with. The majority of victims of stalking involve assailants who either wish to have an

intimate relationship with the petitioner or were previously in an intimate relationship with the petitioner, and MCASA supports this expansion as a reasonable and appropriate approach. We note that the U.S. Department of Justice's Office of Violence Against Women routinely includes victims of stalking in its work and views the issues of domestic violence, sexual assault, and stalking as intertwined.

**Permanent Protective Orders.** Unfortunately, in the effort to expand access to permanent protective orders, HB745 references the list of "crimes of violence: in the Criminal Law Article, §14-101. This omits assault in the second degree and would eliminate the availability of permanent protective orders for many people. MCASA respectfully suggests exchanging the reference to the Criminal Law Article for a reference to the list of crimes of violence in the Public Safety Article, §5-101, which does include assault in the 2<sup>nd</sup> degree. We also note that the Committee may wish to change "shall" issue a permanent protective order to "may" issue an order to allow for the wide variety of facts presented in court.

**Additional Amendments.** As the deadline for filing written testimony approaches, discussions are underway about additional potential amendments to HB745 and MCASA looks forward to continued discussions with the sponsor and other advocates. Our primary concern is increasing protection for victims of stalking, expanding the availability of permanent protective orders, and avoiding a separate process or type of order for stalking survivors. MCASA cannot take a position on specific additional amendments without seeing the proposed language.

**The Maryland Coalition Against Sexual Assault urges the  
Judiciary Committee to  
report favorably on House Bill 745 with Amendments**