

HB0745_Protective_Orders_Crimes_of_Violence_and_St

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR HB0745
Family Law - Protective Orders - Crimes of Violence and Stalking

Bill Sponsor: Delegates Shetty

Committee: Judiciary

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Aileen Alex, co-chair

Position: **FAVORABLE**

I am submitting this testimony in favor of HB0745 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of individuals and grassroots groups with members in every district in the state with well over 30,000 members.

HB0745 adds stalking to the list of offenses for which an individual may petition for a protective order and expands the circumstances for permanent protective orders.

Stalking can have negative consequences for the victim's physical and mental health, such as pain, injury, chronic disease, depression, and post-traumatic stress disorder. Stalking can also escalate to physical violence, sexual assault, or murder.

Victims who are subjected to stalking live in almost-constant fear. They never know when, where or how an abuser might appear. Victims who move to a secure location for safety purposes or who change their routines in order to avoid their abusers are left to wonder if their new location is truly safe. These victims only hope may be protective orders against their stalker.

We support this bill and recommend a **FAVORABLE** report in committee.

Testimony - Emily Shetty - HB 745 (1).pdf

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Position: FAV



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB745

**Judiciary - Family Law - Protective Orders - Crimes of Violence and Stalking
Testimony in SUPPORT**

Chair Clippinger, Vice-Chair Bartlett, and members of the House Judiciary Committee thank you for the opportunity to provide favorable consideration of House Bill 745, a bill that would allow victims of non-intimate partner stalking to obtain added protections from their stalker and a path to a permanent protective order.

In Maryland, the current structure of protective and peace orders provides unequal protection for victims of stalking based on the nature of their relationship with the stalker. While protective orders offer comprehensive safeguards, they are largely only available to those who have had an intimate relationship with their assailant. This leaves individuals stalked by acquaintances, colleagues, neighbors, or strangers with limited legal recourse through peace orders, which do not offer the same level of protection.

House Bill 745, as drafted, would ensure that all victims of stalking have equal access to protective measures. By including stalking among the offenses that qualify an individual to petition for a protective order, the bill ensures that victims, regardless of their relationship with the stalker, have access to legal safeguards.

There are several distinctions between protective orders and peace orders. A protective order, distinct from other orders, not only permits the removal of firearms from the stalker and lasts for a longer duration of one year, but it also opens a pathway for victims to secure a permanent protective order, significantly reducing the repetitive and traumatic process of frequent court visits required for renewals. In addition, victims seeking a protective order may have their filing fees waived, while victims seeking a peace order must pay \$86 every six months that they need protection.

Some advocates have expressed concerns about amending the protective order statute to include non-IPV victims. In response, I will be submitting an amendment for consideration by the committee that would achieve the same goals of the bill – extending the length of the order to one year, allowing the discretion to a judge to remove firearms, and providing a path to a permanent order – but doing so under the peace order statute for non-IPV victims.

This bill serves to protect Marylanders from the dangers of stalking. Including stalking in the list of offenses available to be petitioned for a protective order will ensure Marylanders the safety they should always be entitled to.

Thank you for your committee's consideration, and I respectfully request a favorable report on HB745.

FAV

Uploaded by: Margo Williams

Position: FAV

HB745

Judiciary - Family Law - Protective Orders - Crimes of Violence and Stalking Testimony in SUPPORT Margo Lee Williams, M. A. President, Just Stalking: Maryland Resources

Chair Clippinger, Vice-Chair Bartlett, and members of the House Judiciary Committee, thank you for the opportunity to provide testimony in support of House Bill 745, which we hope will expand protections available to victims of stalking. I am providing this testimony in my capacity as President of the Board of Directors for Just Stalking: Maryland Resources, as well as a parent of a person who has been a victim of stalking for over 15 years.

We were sitting with the State Attorney yet again. However, this was the *first* sentencing hearing for my daughter's alleged stalker. Someone asked about the specifics of the plea agreement. With what had they been convicted? There were the felony weapons charges.... "And stalking?" one of us asked. "No," came the answer as we shot questioning looks at each other, then at the prosecutor. In fact, stalking convictions are received in only 6% of cases nationwide (Brady & Nobles, 2017). One problem may be the limitation of the Maryland Stalking Law to very narrow definitions of 'intent,' 'reasonable,' and 'fear' that includes serious bodily injury, assault in any degree, an *attempted* sexual offense or rape, or *completed* sexual offense or rape, false imprisonment, or death. Apparently, other 'concerned,' 'worried,' or 'anxious' victims aren't being heard or heeded. *What's the point of a law that cannot or will not be enforced and thereby protect victims?*

The firearm had been used at a shopping center where, we were told, the stalker's car had broken down and they were trying to take another car from a shopper. On the way to the station, after finding a 45-caliber handgun and "hundreds of rounds of ammunition," they had told the police they were "just trying to get to Turquoise's house." This person was not allowed to have a firearm due to a previous conviction, to our understanding, *not* due to the Peace order. However, the gun had not been used *against* Turquoise. The stalker was not apprehended on her property, *although* they had spent nearly a month camped at the curb, or ringing the doorbell. During one interaction, when his proximity was within less than three feet of her, she noted she saw what looked like a gun, but could not state this with 100% accuracy. The stalker hadn't said they *were* or *were not* threatening her, only that they were *just* trying to get to her, because they were "meant to be together." That, apparently, didn't meet the criteria for a **stalking** charge.

Sitting in front of her house day after day for a month, picking up where they left off from the previous ten years after a brief incarceration, wasn't a crime either she'd been told by the police responding to her calls to report Peace order violations. They "aren't on your property," they said. When the stalker was caught on her property, in violation of the **peace order**, the police simply asked them to leave, returning evidence, items including letters, gifts, and money the stalker attempted to deliver. The stalker would seemingly circle around the block, visible from back windows, until the police left, then return, ringing the doorbell, pleading for her to open the door. Law enforcement never physically removed this person, detained them, nor to our recollection made suggestions that my daughter make formal report or attempt to find out if charges of harassment, stalking, or trespassing could be brought against this person. Even though

she was too frightened to turn lights on in her home, too frightened to leave the house for any reason, too frightened to stand upright to walk to the bathroom, the plea didn't include a charge **stalking**. 'Firearm possession with felony conviction' yes, 'misuse of telephone facilities and equipment,' *but* no stalking. Even though day after day, she was calling for help and explaining that there is a Peace order. I called, "It's not an emergency"... "we don't have anyone available right now...." "***What has to happen to get help?***" I was screaming. "Does she have to die before it's an emergency? Before someone will be available?" While some of the data our organization has compiled, suggesting the those with intimacy seeker motivation rarely assaulted (5.4%) has given us some peace; conversely, they are among the most **persistent** of stalking motivational groups, with 32% found to stalk past one year bringing about new anxieties, (McEwan, et al., 2017). However, I remain suspicious and concerned for her safety, as this person was last found with a gun, reportedly headed to her home. ***What was the point of the Peace Order if no one would enforce it?***

In an employment environment, one's co-workers, clients, or patrons can become secondary victims. In my daughter's case, her alleged stalker was calling the company owners, her supervisors, co-workers, and clients. Her clients, who suffered serious mental health conditions expressed serious concerns, after being directly targeted and harassed. While to our knowledge, none sought their own Peace Order, with its attendant difficulties requiring applicants to file, then go to court, to pay for the order and parking, and as secondary victims potentially being denied, none were *eligible* for a Protective Order. Her worksite was named as a location the stalker could not be near nor contact, however this continued, to no avail, putting not only the direct company on alert, but the whole building. I, too, was a secondary victim. The same alleged stalker had monitored my social media, letting me know he knew who my family members were. Although I was named in the **first Peace Order**, I was not eligible for a Protective Order.

Recently, my daughter as our Executive Director has acquired another alleged stalker. An alleged "resentful" stalker utilizing electronic communication who has involved third party actors affecting not only our director and organization, but also local, national, and international **secondary** victims. This has interfered with our ability to conduct business and raise funds. Law enforcement authorities have suggested we obtain a **Peace Order**. However, our alleged stalker lives in California. We had difficulty getting a Peace Order served in neighboring Prince George's County, ***how would we be able to get a Peace Order served 3000 miles away in California?***

As President of Just Stalking: Maryland Resources, on behalf of the thousands of victims of stalking across our state, as the mother and family member of more than one victim, and a secondary victim myself, I respectfully request the Committee to return a favorable report on HB745.

References

Brady, P. Q., & Nobles, M. R. (2017). The Dark Figure of Stalking: Examining Law Enforcement Response. *Journal of Interpersonal Violence*, 32(20), 3149-3173. <https://doi.org/10.1177/0886260515596979>

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2024-02-15 HB745 Support.pdf

Uploaded by: Rhea Harris

Position: FAV

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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

FAV

Uploaded by: Rolande Lewis

Position: FAV

HB745
Judiciary - Family Law - Protective Orders - Crimes of Violence and Stalking
Testimony in SUPPORT
Rolande Lewis, M. A.
Director of Training and Education
Just Stalking: Maryland Resources

Chair Clippinger, Vice-Chair Bartlett, and members of the House Judiciary Committee, thank you for the opportunity to provide testimony in support of House Bill 745, which will expand protections available to victims of stalking. I am writing in my capacity as a board member, and a member of the Diversity Committee of Just Stalking: Maryland Resources.

There remains an inequity between peace and protective orders broken down by stalking-victim-type, as to whether they have a personal, familial, or past sexual or romantic relationship with the stalker within the last 12 months. Essentially, this law is designed to protect a person who recently ended a relationship, or the victim has had attempted, completed, sexual assault, or rape. Furthermore, they are only eligible initially for a protective order for 12 months, despite research suggesting the average duration of stalking persists for two years.

Victims of stalking, **ALL** victims of stalking, need protection. There are numerous typologies including: ex-intimates, estranged family or friends, casual acquaintances, professional *or* workplace contacts, strangers, public figures, secondary victims, etc. Not all will seek to do physical harm. Some won't harm the primary target of their stalking, but may very well harm family members and friends, new partners, coworkers, even law enforcement. There are many stalking motivations: rejected, intimacy-seeking, resentful, incompetent suitor, and predatory. This information informs stalking behavior and often the trajectory of violence. While violence often gets the most attention, different behaviors have been categorized into eight (8) different stalking clusters: invasion behaviors, hyper-intimacy, interactional, harassment and intimidation, mediated (electronic) contact, surveillance, coercion and threats, physical aggression and violence (Spitzberg & Cupach, 2014). Typology and motivation also inform persistence. Stalkers who stalk for two weeks/14 days or more are more likely to stalk for six to twelve months with an average of 20 intrusions (Purcell, 2004).

With the focus on the victim's assumed sexual relationship to the stalker, the victim can be questioned in public about their sexual history, ignoring the basic issues of consent *and* privacy, which can be very traumatizing. It can also be very traumatizing for any victim who does not want to disclose their personal life or past sexual preference history or other pertinent issues publicly in a room full of strangers, when the pertinent issues are about violations of space and consent of contact in public. As currently written, a stalking victim can only apply for a protective order if they had sex with the stalker, or have had a physical assault, or attempted assault. If they did not have sex with the stalker, they can only apply for a peace order and become a lower priority for protection. Stalking victims who are stalked by strangers or by those they encounter while working, in their religious institutions, neighborhood contexts, etc., have very few protections. Stalkers as a whole of engaging in violence at a rate of 18% (McEwan, et al., 2017). However, literature suggesting predatory motivation stalkers, who are often strangers, are more frequently violent 21.1%.

Stalkers intentionally or unintentionally damage the lives of primary and **secondary** victims. Disruptions in the lives of family, friends, and co-workers, bringing fear and anxiety should not be overlooked. About twenty-five years ago, killing ten, reportedly injuring at least three, in Maryland and elsewhere were secondary victims as the “DC Sniper” struck in multiple locations, seemingly at random. We would learn later that it was his ex-wife that was his *primary* victim. Recently, a Montgomery County man was murdered by his girlfriend’s ex-boyfriend. This “ex” had allegedly **stalked** his onetime girlfriend utilizing electronic means, a mediated contact. While this secondary victim might have been eligible for a Peace Order, he would not have been eligible for a Protective Order, *as he had no sexual history with the assailant*. “One study from 2005 suggested that secondary-partner-victims of stalking victims were pursued often, and accounted for 3% of the total victim population” another study finding violence toward secondary victims in 6% of cases (Just Stalking: MD Resources, 2024; McEwan, et al., 2017).

Stalkers can also impact primary and secondary victims with words, using slander and libel to destroy reputations, affect employment, cause family strains and damage to children. Even when stalking appears to cease for six months or longer, they are 38% more likely to begin stalking again (McEwan, et al., 2017). This is a phenomenon known as recurrence, which similarly to persistence, has relevance for acquiring **permanent** Peace or Protective Orders. However, currently, the limitations on stalking time periods often imposed by the legal system for obtaining Peace or Protective Orders do not match with the well documented, scientific data.

HB745 will expand protections for the stalking victims who currently only receive limited protections. On behalf of stalking victims across the state, I respectfully request a favorable report on HB745.

References

McEwan, T. E., Daffern, M., MacKenzie, R. D., & Ogloff, J. R. P. (2017). Risk factors for stalking violence, persistence, and recurrence, *The Journal of Forensic Psychiatry & Psychology*, 28(1), 38-56, <https://doi.org/10.1080/14789949.2016.1247188>

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Victim classification. (2023). *Just Stalking: Resources, Inc.* <https://juststalkingmdresources.org>

FAV

Uploaded by: Turquoise Williams

Position: FAV

HB745
Judiciary - Family Law - Protective Orders - Crimes of Violence and Stalking
Testimony in SUPPORT
Turquoise Williams, M. A.
Executive Director
Just Stalking: Maryland Resources

Chair Clippinger, Vice-Chair Bartlett, and members of the House Judiciary Committee, thank you for the opportunity to provide testimony in support of House Bill 745, which we hope will expand protections available to victims of stalking. I am providing this testimony in my capacity as Executive Director for Just Stalking: Maryland Resources, as well as being a victim of stalking for over 15 years.

When I was 16 I met the person who would become my stalker for approximately *half* of my life, at an esteemed internship – for almost three years I attempted multiple response tactics, to manage their ‘pursuits’ and ‘intrusions’ before I recognized I needed to ‘move outward,’ *and* take legal action. *No one* told me what to do. Per our *limited* understanding of the legal systems, my family decided my best option was to obtain a “stay-away order.”

Stalking is often left under the domain of domestic violence, and intimate partner violence despite the documented literature that it is *as* prevalent within other environments such as, employment. According to a meta-analysis, **one in six** professionals have experienced stalking, as in **my** case (Jutasi & McEwan, 2021). Researchers found **no evidence** any *particular* profession is at higher risk; a **range** of professions may be at increased jeopardy of different motivations of stalking-victimization.

Victims are **not** a monolith, stalkers’ typologies and motivations *must* be taken into consideration. Without this, we leave victims at a disadvantage in understanding issues such as persistence and recurrence which have particular importance for **protective orders**. *If* prosecuted, Maryland’s maximum sentence for stalking is *only* 5 years, and the conviction rate in the United States *only* approximately 6% (Brady & Nobles, 2017). Most stalkers will be released from prison.

Among acquaintance stalkers, including the professional typology, duration of stalking behavior has been found to be **longer** than other groups; **42% persisted longer than one year**. Due to my **15 years of stalking experience**, I started a nonprofit to serve victims, Just Stalking: Maryland Resources. Sadly, this seems to have left me vulnerable to another motivational typology referred to as ‘resentful.’ Research shows resentful stalkers present with a recurrent pattern.

Unfortunately, many studies *only* analyze **recidivism**, estimating **50%**, a legal term, with no standardized operational definition, as opposed to **recurrence**, estimated at **38%**. This on the other hand is a **biopsychosocial** term.

I didn’t initially recognize I was **not** eligible for a protective order, which would have ‘**protected**’ me for a **minimum of one year** because this person was a **professional contact**. I was only

eligible for a **peace order**. Therefore, I would be back, in the courtroom, **repeatedly**. I recall the *terror*, standing before the judge. The *anxiety*. They treated this order as if it was, what it was a 'paper-shield,' and the hearing, just another opportunity to see me, be near me, breathe my 'air.'

This committee may not understand the extent to which the responsibility is placed on the **victim(s)** to *serve* the **order(s)**. During one attempted service I was forced to use myself as **bait**. With the police's '*blessing*' I arranged a faux "date," luring my stalker to meet me at a local station. While this tactic worked, in hindsight the lack of threat assessment(s) and adequate consultation leaves me concerned for **victims' safety** throughout our state.

This creates an extortionary trauma for the victim(s); who are responsible for **identifying the course conduct**, conceptualizing stalking as a **construct**, differentiating '**myths**', and **stalking from harassment**. *Then*, realizing the behavior has passed the '**two-week stalking threshold**' **therefore is unlikely to cease**, *thus*, **persisting for an average of one year** (Purcell, et al., 2004). *Additionally*, identifying possible **escalating behaviors** specifically, **contacts & approaches**. *Furthermore*, there is the requisite request to cease contact, which is not a legal requirement, *but is* a societal expectation.

There is a *myth* that stalking *always* involves violence, direct, or at least implied threats, but these are specific to typologies, motivations, and other factors. **This** inhibits many victims from initially seeking formal or informal resources, thereby creating additional barriers, such as requiring **recurrent traumatization**, as victims seek **continual support** by not only requesting services, but having to face their stalker, *repeatedly*, **every six months**, at the behest of the court. This is arguably cruel for the victim. The court then becomes an *unintentional* 'proxy,' *complicit* in the stalking behavior.

Most recently, after being released from prison, on charges *related* to their alleged stalking behavior, but not a stalking conviction *specifically*, they came **directly to my home**, *as* I was not given information about our State's **Address Confidentiality Program**.

I was in **shock**, I was given **no warning**, through any of the systems I was under the impression were designed and **in place** to have informed me of their impending release, and imminent arrival. I could not wrap mind around the idea, at such a late hour, I did not have an active peace order in place, *but it had* been **more than six months**.

After **10 years** of **persistent-professional-intimacy-seeking-stalking**, it became not *only my responsibility* to obtain an updated **peace order**, but also necessary to involve an associate from another state to serve it. Despite *continued surveillance* of my home for over a month, and residence in a neighboring county, police in my county seemed unable to coordinate this effort.

Law enforcement show unwavering support, nonetheless there appears to be **systemic barriers preventing** adequate communication for **delivery and enforcement of peace orders**. Additionally, there is the *perception* that these orders are a low priority, because they are deemed '*civil*' rather than '*criminal*,' often pertaining to **domestic matters**. *However*, those of us who do not fit into those categories are not offered 'protective' status, but rather '*peace*' **status**, therefore giving **even less attention**.

I ask for a favorable report from this committee on HB745 due to the research I have referenced citing persistent stalking specifically which has found stalkers can maintain their behavior for at least 40, even more than 80 years (McEwan, et. Al., 2017).

Recurrent stalkers have been found to resume stalking behaviors after six months of voluntary cessation (McEwan, et al., 2017). Research findings report 20 years of recurrence, the cap of the studies, but I have personally worked with victims who have reported stalkers recurring more than 30 years after cessation.

Acquaintance stalkers, the overarching term for the typology I am managing may never cease of their own volition. Therefore, I expect my stalker will continue this pattern well into my senior years.

I ask for a favorable report, on HB745, to help victims lessen the burden as this is already an arduous issue for victims, we as victims require a pathway to permanent orders, as six months according to literature is *only* the requisite time to identify whether stalking has ceased.

References

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HB 745 - FWA - House of Ruth.pdf

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House of Ruth Maryland

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Bill No.: House Bill 745
Bill Title: Family Law – Protective Orders – Crimes of Violence and Stalking
Committee: Judiciary
Hearing Date: February 15, 2024
Position: **FWA**

House of Ruth is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. House of Ruth has offices in Baltimore City, Baltimore County, Prince George’s County, and Montgomery County. House Bill 745 as amended would make much needed changes to the permanent protective order statute and would expand protections for victims of stalking under the peace order statute. **We urge the House Judiciary Committee to amend and report favorably on House Bill 745.**

Under current law, there are very narrow circumstances under which a victim of intimate partner violence may obtain a permanent protective order. House Bill 745 would give judges discretion in certain cases to issue a permanent protective order.

As amended, HB 745 will maintain important distinctions between those eligible for peace orders versus protective orders, while expanding protections for victims of non-intimate partner stalking. As such, House of Ruth supports HB 745 as amended.

The House of Ruth urges the House Judiciary Committee to report favorably on House Bill 745 as amended.

HPP Testimony HB 745- FWA.pdf

Uploaded by: Jessica Emerson

Position: FWA

Testimony of the Human Trafficking Prevention Project

BILL NO: House Bill 745
TITLE: Family Law – Protective Orders – Crimes of Violence and Stalking
COMMITTEE: Economic Matters
HEARING DATE: February 16, 2023
POSITION: **SUPPORT**

House Bill 745 will improve Maryland’s Peace Order laws by extending the duration of a Peace Order to 1 year, and empower the court to exercise its discretion to determine if a Peace Order respondent should be ordered to relinquish their firearms during the duration of the order. The Human Trafficking Prevention Project supports this bill because it will provide improved legal protections for individuals who trade sex, including survivors of human trafficking, who are frequently subjected to stalking by non-intimate partners.

As originally drafted, HB 745 would incorporate non-intimate partner victims of stalking to the protective order statute and change the eligibility requirements for permanent protective orders. As drafted, the HTPP would join many of our partner organizations in opposing HB 745. However, with sponsor amendments, HB 745 is a much-improved bill that contains a superior pathway to a permanent protective order for victims of domestic violence.

Maryland offers two types of civil orders for victims seeking safety, a peace order and a protective order. Protective Orders primarily 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.

People who trade sex are put at heightened risk of stalking, given that they routinely rely on the internet to connect with customers, a practice which exposes them to unique online safety and privacy challenges. A recent study from UMD focusing on the link between digital safety and stalking and/or harassment reported that “sex workers are facing new challenges in protecting their digital privacy and security and avoiding serious consequences such as stalking, blackmail, and social exclusion.¹ Stalking is also frequently reported by survivors of human trafficking, a crime which is largely accomplished by surveillance as a method of control. Those subjected to stalking typically experience mood, anxiety, and posttraumatic stress symptoms that are difficult and complex to treat.²

House Bill 745 improves Maryland’s Peace Order laws and would bring our laws more in-line with the protections available in other states. The current Peace Order is limited in duration, and HB 745 would extend the length of a Peace Order to 1 year. In addition, it would empower the court to exercise its discretion in cases to determine if a Peace Order respondent should be ordered to relinquish their firearms during the duration of the order. Certain victims in dating relationships are not eligible for a Protective Order and these remedies would now be available to them.

¹ Allison McDonald, et. al., *“It’s Stressful Having All These Phones: Investigating Sex Workers’ Safety Goals, Risks, and Practices Online* (2021), <https://www.usenix.org/system/files/sec21fall-mcdonald.pdf>.

² Stephen Noffsinger, *What Stalking Victims Need to Restore Their Mental and Somatic Health: Victims’ Mood, Anxiety, and Posttraumatic Stress Symptoms Require Prompt Care* (2015). *Current Psychiatry*, Vol. 14, No. 6.

House Bill 745 also proposes critical and beneficial modifications to the Permanent Protective Order. The relief available under a Permanent Protective Order is limited in nature to a stay away order, but increasing the eligibility and empowering the court to exercise its discretion in cases could benefit many victims of domestic violence. The current eligibility requirements for a Permanent Protective Order do not appreciate that many victims do not pursue or desire criminal court involvement. Victims want to be safe. HB 745 will help them achieve that safety with an expansion in eligibility for a Permanent Protective Order.

For these reasons, the Human Trafficking Prevention Project supports House Bill 745 with sponsor amendments. We respectfully urge a favorable report.

HB 745 - WLCMD - FWA.pdf

Uploaded by: Laure Ruth

Position: FWA

BILL NO: House Bill 745
TITLE: Family Law - Protective Orders - Crimes of Violence and Stalking
COMMITTEE: Judiciary
HEARING DATE: February 15, 2024
POSITION: **SUPPORT WITH AMENDMENTS**

House Bill 745 would have moved stalking by non-intimate partners from the Peace Order 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. As originally crafted, the Women's Law Center (WLC) would have had to oppose the bill in concept and due to some drafting errors. However, we understand there are sponsor amendments that vastly improve the original iteration. We support HB 745 with amendments (and the bill name is no longer any description at all of what the bill would do).

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, 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. As amended, HB 745 would keep this valuable distinction, and not risk diluting the protection order statute to the detriment of victims of intimate partner violence and sexual assault.

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. The amendments would allow victims of non-intimate partner stalking to obtain a peace order for a year, rather than the current 6 months only. In addition, it would give the court the discretion to order the surrender of guns if the facts presented make that an important form of relief. This is an appropriate balance of peoples' safety versus the Second Amendment.

More importantly for our clients, as amended, HB 745 would make much needed changes to the current permanent protection order statute. The current law makes it extremely difficult for almost anyone to obtain a permanent protection order (which did and still will grant only the "stay away, no contact" portion of the protection order). We support the idea that in some cases the court should be required to grant a permanent protection or peace order, while in others, the court can exercise discretion about whether or not to grant the permanent order.

For all these reasons we support HB 745 as amended and urge a favorable report.

PO - perm and stalking - house testimony - 2024

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Position: FWA



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Testimony Supporting House Bill 745 with Amendments
Lisae C. Jordan, Executive Director & Counsel
February 15, 2024

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 2nd 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**

HB 745_MNADV_FWA.pdf

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Position: FWA



BILL NO: House Bill 745
TITLE: Family Law - Protective Orders - Crimes of Violence and Stalking
COMMITTEE: Judiciary
HEARING DATE: February 15, 2024
POSITION: **FAVORABLE WITH AMENDMENTS**

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 House Judiciary Committee to issue a favorable report with amendments on HB 745.**

As originally drafted, HB 745 would incorporate non-intimate partner victims of stalking to the protective order and change the eligibility requirements for permanent protective orders. As drafted, MNADV would oppose HB 745. However, with sponsor amendments, HB 745 is a much-improved bill that contains a superior pathway to a permanent protective order for victims of domestic violence.

Maryland offers two types of civil orders for victims seeking safety, a peace order and a protective order. Protective Orders primarily 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.

House Bill 745 improves Maryland's Peace Order laws and would bring our laws more in-line with the protections available in other states. The current Peace Order is limited in duration, and HB 745 would extend the length of a Peace Order to 1 year. In addition, it would empower the court to exercise its discretion in cases to determine if a Peace Order respondent should be ordered to relinquish their firearms during the duration of the order. Certain victims in dating relationships are not eligible for a Protective Order and these remedies would be available to them.

House Bill 745 also proposes critical and beneficial modifications to the Permanent Protective Order. The relief available under a Permanent Protective Order is limited in nature to a stay away order, but increasing the eligibility and empowering the court to exercise its discretion in cases could benefit many victims of domestic violence. The current eligibility requirements for a Permanent Protective Order do not appreciate that many victims do not pursue or desire criminal court involvement. Victims want to be safe. HB 745 will help them achieve that safety with an expansion in eligibility for a Permanent Protective Order.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report with amendments on HB 745.**

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