

HOUSE BILL 30

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1999 Regular Session  
9r0460

(PRE-FILED)

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By: **Delegate Giannetti**

Requested: November 12, 1998

Introduced and read first time: January 13, 1999

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Grounds for Absolute Divorce - Protective Orders**

3 FOR the purpose of adding a certain ground for an absolute divorce; creating an  
4 exception to a provision of law regarding the admissibility of certain evidence in  
5 divorce proceedings; providing for the application of this Act; and generally  
6 relating to grounds for absolute divorce.

7 BY repealing and reenacting, with amendments,  
8 Article - Family Law  
9 Section 7-103(a) and 7-103.1  
10 Annotated Code of Maryland  
11 (1991 Replacement Volume and 1998 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Family Law**

15 7-103.

16 (a) The court may decree an absolute divorce on the following grounds:

17 (1) adultery;

18 (2) desertion, if:

19 (i) the desertion has continued for 12 months without interruption  
20 before the filing of the application for divorce;

21 (ii) the desertion is deliberate and final; and

22 (iii) there is no reasonable expectation of reconciliation;

23 (3) voluntary separation, if:

1 (i) the parties voluntarily have lived separate and apart without  
2 cohabitation for 12 months without interruption before the filing of the application for  
3 divorce; and

4 (ii) there is no reasonable expectation of reconciliation;

5 (4) conviction of a felony or misdemeanor in any state or in any court of  
6 the United States if before the filing of the application for divorce the defendant has:

7 (i) been sentenced to serve at least 3 years or an indeterminate  
8 sentence in a penal institution; and

9 (ii) served 12 months of the sentence;

10 (5) 2-year separation, when the parties have lived separate and apart  
11 without cohabitation for 2 years without interruption before the filing of the  
12 application for divorce;

13 (6) insanity if:

14 (i) the insane spouse has been confined in a mental institution,  
15 hospital, or other similar institution for at least 3 years before the filing of the  
16 application for divorce;

17 (ii) the court determines from the testimony of at least 2 physicians  
18 who are competent in psychiatry that the insanity is incurable and there is no hope of  
19 recovery; and

20 (iii) 1 of the parties has been a resident of this State for at least 2  
21 years before the filing of the application for divorce;

22 (7) cruelty of treatment toward the complaining party, if there is no  
23 reasonable expectation of reconciliation; [or]

24 (8) excessively vicious conduct toward the complaining party, if there is  
25 no reasonable expectation of reconciliation; OR

26 (9) ISSUANCE OF A PROTECTIVE ORDER ON BEHALF OF THE  
27 COMPLAINING PARTY UNDER § 4-506 OF THIS ARTICLE, IF THE PROTECTIVE ORDER IS  
28 IN EFFECT AT THE TIME OF THE FILING OF THE APPLICATION FOR DIVORCE.

29 7-103.1.

30 (a) [An] EXCEPT IN A PROCEEDING UNDER § 7-103(A)(9) OF THIS TITLE, AN  
31 order or decision in a proceeding under Title 4, Subtitle 5 of this article is  
32 inadmissible as evidence in a proceeding under this title.

33 (b) In a proceeding under this title, a court may not consider compliance with  
34 an order issued under Title 4, Subtitle 5 of this article as grounds for granting a  
35 decree of limited or absolute divorce.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only  
2 to cases filed and protective orders issued on or after the effective date of this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 1999.