

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 429
Judiciary

(Delegates Menes and Vallario)

Peace Orders - Eligibility

This bill alters a provision that establishes the laws governing peace orders do not apply to a person eligible for relief under domestic violence provisions by adding that the person must have been alleged to have been abused.

Fiscal Summary

State Effect: None. The bill's requirements could be met with existing resources.

Local Effect: None. The bill's requirements could be met with existing resources.

Small Business Effect: None.

Analysis

Current Law: A peace order may be issued to order a respondent to refrain from committing or threatening to commit any of the following acts, if the act occurred within 30 days before the filing of the petition:

- an act that causes serious bodily harm;
- an act that places the petitioner in fear of serious bodily harm;
- assault in any degree;
- rape or sexual offense, or attempted rape or sexual offense in any degree;
- false imprisonment;
- harassment;

- stalking;
- trespass; or
- malicious destruction of property.

A peace order may order the respondent to refrain from contact, attempted contact, or harassment, refrain from entering the petitioner's residence, and remain away from the petitioner's place of employment, school, or temporary residence. A peace order must contain only the relief minimally necessary to protect the petitioner.

By petitioning for a peace order, the petitioner is not limited to or precluded from pursuing other legal remedies. However, the peace order provisions do not apply to a petitioner who is a person eligible for relief as defined under the domestic violence provisions, or a respondent who is a child at the time of the alleged commission of a harmful act, as specified in statute.

Under the provisions for domestic violence contained in State law, a "person eligible for relief" includes the following:

- the current or former spouse of the respondent;
- a cohabitant of the respondent;
- a person related to the respondent by blood, marriage, or adoption;
- a parent, stepparent, child, or stepchild of the respondent
- one who resides or resided with the respondent or the person eligible for relief for at least 90 days within one year before the filing of the petition;
- a vulnerable adult; or
- an individual who has a child in common with the respondent.

Under the provisions for domestic violence, "abuse" means any of the following:

- an act that causes serious bodily harm;
- an act that places a person eligible for relief in fear of imminent serious bodily harm;
- assault in any degree;
- rape or sexual offense, as specified, or attempted rape or sexual offense in any degree; or
- false imprisonment.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

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ncs/jr

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