

SENATE BILL 811

D4

9lr3132
CF HB 971

By: ~~Senator Muse~~ Senators Muse, Frosh, Gladden, Brochin, Forehand,
Haines, Jacobs, Mooney, Raskin, Simonaire, and Stone

Introduced and read first time: February 6, 2009

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 2009

CHAPTER _____

1 AN ACT concerning

2 **Domestic Violence – Duration of Protective Order – Subsequent Act of Abuse**

3 FOR the purpose of extending the maximum duration of a final protective order under
4 certain circumstances; and generally relating to domestic violence and the
5 duration of a final protective order.

6 BY repealing and reenacting, with amendments,

7 Article – Family Law

8 Section ~~4-506(h)~~ 4-506(b) and (h)

9 Annotated Code of Maryland

10 (2006 Replacement Volume and 2008 Supplement)

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

13 **Article – Family Law**

14 4-506.

15 (b) (1) (i) The temporary protective order shall state the date and time
16 of the final protective order hearing.

17 (ii) Unless continued for good cause, the final protective order
18 hearing shall be held no later than 7 days after the temporary protective order is
19 served on the respondent.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2) The temporary protective order shall include notice to the
2 respondent:

3 (i) in at least 10-point bold type, that if the respondent fails to
4 appear at the final protective order hearing, the respondent may be served by
5 first-class mail at the respondent's last known address with the final protective order
6 and all other notices concerning the final protective order;

7 (ii) specifying all the possible forms of relief under subsection
8 (d) of this section that the final protective order may contain;

9 (iii) that the final protective order shall be effective for the
10 period stated in the order, not to exceed [12 months] **1 YEAR OR, UNDER THE**
11 **CIRCUMSTANCES DESCRIBED IN SUBSECTION (H)(2) OF THIS SECTION, 2 YEARS,**
12 unless the judge extends the term of the order[,] under § 4-507(a)(2) of this subtitle or
13 the court issues a permanent order under subsection (i) of this section; and

14 (iv) in at least 10-point bold type, that the respondent must
15 notify the court in writing of any change of address.

16 (h) (1) Except as provided in [paragraph (2)] **PARAGRAPHS (2) AND (3)**
17 of this subsection, all relief granted in a final protective order shall be effective for the
18 period stated in the order, not to exceed [12 months] **1 YEAR.**

19 (2) ~~**IF THE COURT ISSUES A FINAL PROTECTIVE ORDER UNDER**~~
20 ~~**THIS SECTION AGAINST A RESPONDENT FOR AN ACT OF ABUSE COMMITTED**~~
21 ~~**WITHIN 1 YEAR AFTER THE DATE THAT A PRIOR PROTECTIVE ORDER ISSUED**~~
22 ~~**AGAINST THE SAME RESPONDENT EXPIRES, ALL RELIEF GRANTED IN THE ALL**~~
23 ~~**RELIEF GRANTED IN A FINAL PROTECTIVE ORDER SHALL BE EFFECTIVE FOR**~~
24 ~~**THE PERIOD STATED IN THE ORDER, NOT TO EXCEED 2 YEARS IF:**~~

25 (I) **THE COURT ISSUES A FINAL PROTECTIVE ORDER UNDER**
26 **THIS SECTION AGAINST A RESPONDENT ON BEHALF OF A PERSON ELIGIBLE FOR**
27 **RELIEF FOR AN ACT OF ABUSE COMMITTED WITHIN 1 YEAR AFTER THE DATE**
28 **THAT A PRIOR FINAL PROTECTIVE ORDER ISSUED AGAINST THE SAME**
29 **RESPONDENT ON BEHALF OF THE SAME PERSON ELIGIBLE FOR RELIEF**
30 **EXPIRES; AND**

31 (II) **THE PRIOR FINAL PROTECTIVE ORDER WAS ISSUED FOR**
32 **A PERIOD OF AT LEAST 6 MONTHS.**

33 (3) A subsequent circuit court order pertaining to any of the provisions
34 included in the final protective order shall supersede those provisions in the final
35 protective order.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2009.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.