

# HOUSE BILL 397

D3, D4

(4lr1507)

## ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegates Simmons, Dumais, Carter, Anderson, Arora, Conaway, Glass, K. Kelly, McComas, McDermott, Rosenberg, Smigiel, Valderrama, Valentino-Smith, Vallario, Vitale, ~~and Waldstreicher~~ Waldstreicher, and Costa**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Peace Orders and Protective Orders – Consent Orders – Shielding**

3 FOR the purpose of authorizing a petitioner to file a written request to shield court  
4 records relating to a peace order or protective order proceeding under certain  
5 circumstances; authorizing a ~~respondent who consents to the entry of a peace~~  
6 ~~order or protective order to file a written request to shield~~ petitioner or a  
7 ~~respondent to file a written request to shield~~ court records relating to ~~the a~~  
8 peace order or protective order proceeding if the respondent consented to the  
9 entry of the peace order or protective order under certain circumstances;  
10 altering the circumstances under which a court is required to order the  
11 shielding of all court records relating to a peace order or protective order  
12 proceeding if a certain petition was denied or dismissed; authorizing a

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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.

*Italics indicate opposite chamber/conference committee amendments.*



1 respondent to refile a written request to shield court records relating to a peace  
 2 order or protective order proceeding under certain circumstances; ~~requiring~~  
 3 ~~authorizing~~ the court, under certain circumstances, to order the shielding of all  
 4 court records relating to a peace order or protective order proceeding if the  
 5 respondent ~~consents~~ consented to the entry of the peace order or protective  
 6 order; ~~authorizing the court, under certain circumstances, to deny a request to~~  
 7 ~~shield court records relating to a peace order or protective order proceeding for~~  
 8 ~~good cause~~ *requiring the court to balance certain considerations in determining*  
 9 *whether to shield court records relating to a peace order or protective order*  
 10 *proceeding*; requiring the court, in ruling on a certain motion for access to a  
 11 shielded record, to balance the person's need for access with the petitioner's  
 12 right to privacy and the potential harm of certain adverse consequences to the  
 13 petitioner that the disclosure may create; authorizing the Governor's Office of  
 14 Crime Control and Prevention, in consultation with the Maryland Judiciary, to  
 15 adopt certain regulations; altering a certain definition; making certain  
 16 clarifying and conforming changes; and generally relating to the shielding of  
 17 certain peace order and protective order records.

18 BY repealing and reenacting, with amendments,  
 19 Article – Courts and Judicial Proceedings  
 20 Section 3–1510  
 21 Annotated Code of Maryland  
 22 (2013 Replacement Volume and 2013 Supplement)

23 BY repealing and reenacting, with amendments,  
 24 Article – Family Law  
 25 Section 4–512  
 26 Annotated Code of Maryland  
 27 (2012 Replacement Volume and 2013 Supplement)

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

### Article – Courts and Judicial Proceedings

30 3–1510.

31 (a) (1) In this section the following words have the meanings indicated.

32 (2) (i) “Court record” means an official record of a court about a  
 33 proceeding that the clerk of a court or other court personnel keeps.  
 34

35 (ii) “Court record” includes:

36 1. An index, a docket entry, a petition, a memorandum,  
 37 a transcription of proceedings, an electronic recording, an order, and a judgment; and

1                   2. Any electronic information about a proceeding on the  
2 Web site maintained by the Maryland Judiciary.

3                   (3) “Shield” means to remove information from public inspection in  
4 accordance with this section.

5                   (4) “Shielding” means:

6                   (i) With respect to a record kept in a courthouse, removing the  
7 record to a separate secure area to which persons who do not have a legitimate reason  
8 for access are denied access; and

9                   (ii) With respect to electronic information about a proceeding on  
10 the Web site maintained by the Maryland Judiciary, completely removing all  
11 information concerning the proceeding from the public Web site, including the names  
12 of the parties, case numbers, and any reference to the proceeding or any reference to  
13 the removal of the proceeding from the public Web site.

14                   (5) “Victim services provider” means a nonprofit OR GOVERNMENTAL  
15 organization that has been authorized by the Governor’s Office of Crime Control and  
16 Prevention ~~or the Department of Human Resources~~ to have ONLINE access to records  
17 of shielded peace orders in order to assist victims of abuse.

18                   (b) ~~[If a petition filed under this subtitle is denied or dismissed at the~~  
19 ~~interim, temporary, or final peace order stage of a proceeding under this subtitle, the]~~  
20 ~~A respondent may file a written request to shield all court records relating to [the~~  
21 ~~proceeding] A PETITION FILED UNDER THIS SUBTITLE IF:~~

22                   ~~(1) THE PETITION IS DENIED OR DISMISSED AT THE INTERIM,~~  
23 ~~TEMPORARY, OR FINAL PEACE ORDER STAGE OF THE PROCEEDING UNDER THIS~~  
24 ~~SUBTITLE; OR~~

25                   ~~(2) THE RESPONDENT CONSENTS TO THE ENTRY OF THE PEACE~~  
26 ~~ORDER~~

27                   (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF A PETITION  
28 FILED UNDER THIS SUBTITLE WAS DENIED OR DISMISSED AT THE INTERIM,  
29 TEMPORARY, OR FINAL PEACE ORDER STAGE OF A PROCEEDING UNDER THIS  
30 SUBTITLE, THE PETITIONER OR THE RESPONDENT MAY FILE A WRITTEN  
31 REQUEST TO SHIELD ALL COURT RECORDS RELATING TO THE PROCEEDING IN  
32 ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

33                   (2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF THE  
34 RESPONDENT CONSENTED TO THE ENTRY OF A PEACE ORDER UNDER THIS  
35 SUBTITLE, THE PETITIONER OR THE RESPONDENT MAY FILE A WRITTEN

1 REQUEST TO SHIELD ALL COURT RECORDS RELATING TO THE PROCEEDING IN  
 2 ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION.

3 (c) A request for shielding under this section may not be filed within 3 years  
 4 after the denial or dismissal of the petition **OR THE CONSENT TO THE ENTRY OF**  
 5 **THE PEACE ORDER** unless the ~~respondent~~ REQUESTING PARTY files with the  
 6 request a general waiver and release of all the ~~respondent's~~ PARTY'S tort claims  
 7 related to the proceeding under this subtitle.

8 (d) (1) ~~On~~ IF A PETITION WAS DENIED OR DISMISSED AT THE  
 9 INTERIM, TEMPORARY, OR FINAL PEACE ORDER STAGE OF A PROCEEDING  
 10 UNDER THIS SUBTITLE, ON the filing of a WRITTEN request for shielding under this  
 11 section, the court shall schedule a hearing on the request.

12 (2) The court shall give notice of the hearing to the ~~petitioner~~ OTHER  
 13 PARTY or the ~~petitioner's~~ OTHER PARTY'S counsel of record.

14 (3) Except as provided in paragraphs (4) and (5) of this subsection,  
 15 after the hearing, the court shall order the shielding of all court records relating to the  
 16 proceeding if the court finds:

17 (i) ~~1.~~ That the petition was denied or dismissed at the  
 18 interim, temporary, or final peace order stage of the proceeding; ~~OR~~

19 ~~2. THAT THE RESPONDENT CONSENTED TO THE~~  
 20 ~~ENTRY OF THE PEACE ORDER;~~

21 (ii) That a final peace order or protective order has not been  
 22 previously issued against the respondent in a proceeding between the petitioner and  
 23 the respondent; ~~and~~

24 (III) THAT THE RESPONDENT HAS NOT BEEN FOUND GUILTY  
 25 OF A CRIME ARISING FROM AN ACT DESCRIBED IN § 3-1503(A) OF THIS  
 26 SUBTITLE AGAINST THE PETITIONER; AND

27 ~~(iii)~~ (IV) That none of the following are pending at the time of  
 28 the hearing:

29 1. An interim or temporary peace order or protective  
 30 order issued against the respondent in a proceeding between the petitioner and the  
 31 respondent; or

32 2. A criminal charge against the respondent arising from  
 33 an alleged act described in § 3-1503(a) of this subtitle against the petitioner.

1           (4) (i) ~~If the petitioner appears at the shielding hearing and objects~~  
2 ~~to the shielding~~ **ON ITS OWN MOTION OR ON THE OBJECTION OF THE OTHER**  
3 **PARTY**, the court may, for good cause, deny the shielding.

4           (ii) In determining whether there is good cause ~~to grant the~~  
5 ~~request to shield court records~~ **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH**,  
6 the court shall balance the privacy of the **PETITIONER OR THE** respondent and  
7 potential danger of adverse consequences to the **PETITIONER OR THE** respondent  
8 against the potential risk of future harm and danger to the petitioner and the  
9 community.

10           (5) Information about the proceeding may not be removed from the  
11 Domestic Violence Central Repository.

12           **(E) (1) (I) IF THE RESPONDENT CONSENTED TO THE ENTRY OF A**  
13 **PEACE ORDER UNDER THIS SUBTITLE, THE PETITIONER OR THE RESPONDENT**  
14 **MAY FILE A WRITTEN REQUEST FOR SHIELDING AT ANY TIME AFTER THE PEACE**  
15 **ORDER EXPIRES.**

16                           **(II) ON THE FILING OF A REQUEST FOR SHIELDING UNDER**  
17 **THIS PARAGRAPH, THE COURT SHALL SCHEDULE A HEARING ON THE REQUEST.**

18                           **(III) THE COURT SHALL GIVE NOTICE OF THE HEARING TO**  
19 **THE OTHER PARTY OR THE OTHER PARTY'S COUNSEL OF RECORD.**

20                           **(IV) EXCEPT AS PROVIDED IN ~~SUBPARAGRAPHS (V) AND~~**  
21 **SUBPARAGRAPH (VI) OF THIS PARAGRAPH AND SUBJECT TO SUBPARAGRAPH (V)**  
22 **OF THIS PARAGRAPH, AFTER THE HEARING, THE COURT ~~SHALL~~ MAY ORDER THE**  
23 **SHIELDING OF ALL COURT RECORDS RELATING TO THE PROCEEDING IF THE**  
24 **COURT FINDS:**

25                                   **1. FOR CASES IN WHICH THE RESPONDENT**  
26 **REQUESTS SHIELDING, THAT THE PETITIONER CONSENTS TO THE SHIELDING;**

27                                   **2. THAT THE RESPONDENT DID NOT VIOLATE THE**  
28 **PEACE ORDER DURING ITS TERM;**

29                                   **3. THAT A FINAL PEACE ORDER OR PROTECTIVE**  
30 **ORDER HAS NOT BEEN PREVIOUSLY ISSUED AGAINST THE RESPONDENT IN A**  
31 **PROCEEDING BETWEEN THE PETITIONER AND THE RESPONDENT;**

32                                   **4. THAT THE RESPONDENT HAS NOT BEEN FOUND**  
33 **GUILTY OF A CRIME ARISING FROM AN ACT DESCRIBED IN § 3-1503(A) OF THIS**  
34 **SUBTITLE AGAINST THE PETITIONER; AND**

1                   **5.    THAT NONE OF THE FOLLOWING ARE PENDING AT**  
2 **THE TIME OF THE HEARING:**

3                   **A.    AN INTERIM OR TEMPORARY PEACE ORDER OR**  
4 **PROTECTIVE ORDER ISSUED AGAINST THE RESPONDENT ~~IN A PROCEEDING~~**  
5 **~~BETWEEN THE PETITIONER AND THE RESPONDENT; OR~~**

6                   **B.    A CRIMINAL CHARGE AGAINST THE RESPONDENT**  
7 **ARISING FROM AN ALLEGED ACT DESCRIBED IN § 3-1503(A) OF THIS SUBTITLE**  
8 **AGAINST THE PETITIONER.**

9                   **(V)   1.    ~~ON ITS OWN MOTION OR ON THE OBJECTION OF~~**  
10 **~~THE OTHER PARTY, THE COURT MAY, FOR GOOD CAUSE, DENY THE REQUEST~~**  
11 **~~FOR SHIELDING.~~**

12                   **2.    IN DETERMINING WHETHER ~~THERE IS GOOD~~**  
13 **~~CAUSE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH~~ COURT RECORDS**  
14 **~~SHOULD BE SHIELDED UNDER THIS PARAGRAPH,~~ THE COURT SHALL BALANCE**  
15 **THE PRIVACY OF THE PETITIONER OR THE RESPONDENT AND POTENTIAL**  
16 **DANGER OF ADVERSE CONSEQUENCES TO THE PETITIONER OR THE**  
17 **RESPONDENT AGAINST THE POTENTIAL RISK OF FUTURE HARM AND DANGER TO**  
18 **THE PETITIONER AND THE COMMUNITY.**

19                   **(VI)   INFORMATION ABOUT THE PROCEEDING MAY NOT BE**  
20 **REMOVED FROM THE DOMESTIC VIOLENCE CENTRAL REPOSITORY.**

21                   **(2)    (I)    IF THE RESPONDENT CONSENTED TO THE ENTRY OF A**  
22 **PEACE ORDER UNDER THIS SUBTITLE BUT THE PETITIONER DID NOT CONSENT**  
23 **TO SHIELDING AT THE HEARING UNDER PARAGRAPH (1) OF THIS SUBSECTION,**  
24 **THE RESPONDENT MAY REFILE A WRITTEN REQUEST FOR SHIELDING AFTER 1**  
25 **YEAR FROM THE DATE OF THE HEARING UNDER PARAGRAPH (1) OF THIS**  
26 **SUBSECTION.**

27                   **(II)   ON THE FILING OF A REQUEST FOR SHIELDING UNDER**  
28 **THIS PARAGRAPH, THE COURT SHALL SCHEDULE A HEARING ON THE REQUEST.**

29                   **(III)  THE COURT SHALL GIVE NOTICE OF THE HEARING TO**  
30 **THE OTHER PARTY OR THE OTHER PARTY'S COUNSEL OF RECORD.**

31                   **(IV)  EXCEPT AS PROVIDED IN ~~SUBPARAGRAPHS (V) AND~~**  
32 **~~SUBPARAGRAPH (VI) OF THIS PARAGRAPH AND SUBJECT TO SUBPARAGRAPH (V)~~**  
33 **~~OF THIS PARAGRAPH, AFTER THE HEARING, THE COURT ~~SHALL~~ MAY ORDER THE~~**

1 SHIELDING OF ALL COURT RECORDS RELATING TO THE PROCEEDING IF THE  
2 COURT FINDS:

3 1. A. THAT THE PETITIONER CONSENTS TO THE  
4 SHIELDING; OR

5 B. THAT THE PETITIONER DOES NOT CONSENT TO  
6 THE SHIELDING, BUT THAT IT IS UNLIKELY THAT THE RESPONDENT WILL  
7 COMMIT AN ACT SPECIFIED IN § 3-1503(A) OF THIS SUBTITLE AGAINST THE  
8 PETITIONER IN THE FUTURE;

9 2. THAT THE RESPONDENT DID NOT VIOLATE THE  
10 PEACE ORDER DURING ITS TERM;

11 3. THAT A FINAL PEACE ORDER OR PROTECTIVE  
12 ORDER HAS NOT BEEN PREVIOUSLY ISSUED AGAINST THE RESPONDENT IN A  
13 PROCEEDING BETWEEN THE PETITIONER AND THE RESPONDENT;

14 4. THAT THE RESPONDENT HAS NOT BEEN FOUND  
15 GUILTY OF A CRIME ARISING FROM AN ACT DESCRIBED IN § 3-1503(A) OF THIS  
16 SUBTITLE AGAINST THE PETITIONER; AND

17 5. THAT NONE OF THE FOLLOWING ARE PENDING AT  
18 THE TIME OF THE HEARING:

19 A. AN INTERIM OR TEMPORARY PEACE ORDER OR  
20 PROTECTIVE ORDER ISSUED AGAINST THE RESPONDENT ~~IN A PROCEEDING~~  
21 ~~BETWEEN THE PETITIONER AND THE RESPONDENT; OR~~

22 B. A CRIMINAL CHARGE AGAINST THE RESPONDENT  
23 ARISING FROM AN ALLEGED ACT DESCRIBED IN § 3-1503(A) OF THIS SUBTITLE  
24 ~~AGAINST THE PETITIONER.~~

25 (v) ~~1. ON ITS OWN MOTION OR ON THE OBJECTION OF~~  
26 ~~THE OTHER PARTY, THE COURT MAY, FOR GOOD CAUSE, DENY THE REQUEST~~  
27 ~~FOR SHIELDING.~~

28 2. IN DETERMINING WHETHER ~~THERE IS GOOD~~  
29 ~~CAUSE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH~~ *COURT RECORDS*  
30 *SHOULD BE SHIELDED UNDER THIS PARAGRAPH,* THE COURT SHALL BALANCE  
31 THE PRIVACY OF THE PETITIONER OR THE RESPONDENT AND POTENTIAL  
32 DANGER OF ADVERSE CONSEQUENCES TO THE PETITIONER OR THE  
33 RESPONDENT AGAINST THE POTENTIAL RISK OF FUTURE HARM AND DANGER TO  
34 THE PETITIONER AND THE COMMUNITY.

1 **(VI) INFORMATION ABOUT THE PROCEEDING MAY NOT BE**  
 2 **REMOVED FROM THE DOMESTIC VIOLENCE CENTRAL REPOSITORY.**

3 ~~(F)~~ (F) (1) This section does not preclude the following persons from  
 4 accessing a shielded record for a legitimate reason:

5 (i) A law enforcement officer;

6 (ii) An attorney who represents or has represented the  
 7 petitioner or the respondent in a proceeding;

8 (iii) A State's Attorney;

9 (iv) An employee of a local department of social services; or

10 (v) A victim services provider.

11 (2) (i) A person not listed in paragraph (1) of this subsection may  
 12 subpoena, or file a motion for access to, a record shielded under this section.

13 (ii) If the court finds that the person has a legitimate reason for  
 14 access, the court may grant the person access to the shielded record under the terms  
 15 and conditions that the court determines.

16 (iii) In ruling on a motion under this paragraph, the court shall  
 17 balance the person's need for access to the record with the **PETITIONER'S OR THE**  
 18 respondent's right to privacy and the potential harm of unwarranted adverse  
 19 consequences to the **PETITIONER OR THE** respondent that the disclosure may create.

20 ~~(G)~~ (G) Within 60 days after entry of an order **FOR SHIELDING** under  
 21 ~~subsection (d)(3)~~ of this section, each custodian of court records that are subject to the  
 22 order of shielding shall advise in writing the court and the respondent of compliance  
 23 with the order.

24 **(H) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION,**  
 25 **IN CONSULTATION WITH THE MARYLAND JUDICIARY, MAY ADOPT REGULATIONS**  
 26 **GOVERNING ONLINE ACCESS TO SHIELDED RECORDS BY A VICTIM SERVICES**  
 27 **PROVIDER.**

28 **Article – Family Law**

29 4–512.

30 (a) (1) In this section the following words have the meanings indicated.



1 (2) (i) “Court record” means an official record of a court about a  
2 proceeding that the clerk of a court or other court personnel keeps.

3 (ii) “Court record” includes:

4 1. an index, a docket entry, a petition, a memorandum, a  
5 transcription of proceedings, an electronic recording, an order, and a judgment; and

6 2. any electronic information about a proceeding on the  
7 website maintained by the Maryland Judiciary.

8 (3) “Shield” means to remove information from public inspection in  
9 accordance with this section.

10 (4) “Shielding” means:

11 (i) with respect to a record kept in a courthouse, removing the  
12 record to a separate secure area to which persons who do not have a legitimate reason  
13 for access are denied access; and

14 (ii) with respect to electronic information about a proceeding on  
15 the website maintained by the Maryland Judiciary, completely removing all  
16 information concerning the proceeding from the public Web site, including the names  
17 of the parties, case numbers, and any reference to the proceeding or any reference to  
18 the removal of the proceeding from the public Web site.

19 (5) “Victim services provider” means a nonprofit OR GOVERNMENTAL  
20 organization that has been authorized by the Governor’s Office of Crime Control and  
21 Prevention ~~or the Department of Human Resources~~ to have ONLINE access to records  
22 of shielded protective orders in order to assist victims of abuse.

23 (b) ~~[If a petition filed under this subtitle is denied or dismissed at the~~  
24 ~~interim, temporary, or final protective order stage of a proceeding under this subtitle,~~  
25 ~~the] A respondent may file a written request to shield all court records relating to [the~~  
26 ~~proceeding] **A PETITION FILED UNDER THIS SUBTITLE IF:**~~

27 ~~(1) THE PETITION IS DENIED OR DISMISSED AT THE INTERIM,~~  
28 ~~TEMPORARY, OR FINAL PROTECTIVE ORDER STAGE OF THE PROCEEDING~~  
29 ~~UNDER THIS SUBTITLE; OR~~

30 ~~(2) THE RESPONDENT CONSENTS TO THE ENTRY OF THE~~  
31 ~~PROTECTIVE ORDER~~

32 (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF A PETITION  
33 FILED UNDER THIS SUBTITLE WAS DENIED OR DISMISSED AT THE INTERIM,  
34 TEMPORARY, OR FINAL PROTECTIVE ORDER STAGE OF A PROCEEDING UNDER

1 THIS SUBTITLE, THE PETITIONER OR THE RESPONDENT MAY FILE A WRITTEN  
 2 REQUEST TO SHIELD ALL COURT RECORDS RELATING TO THE PROCEEDING IN  
 3 ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

4 (2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF THE  
 5 RESPONDENT CONSENTED TO THE ENTRY OF A PROTECTIVE ORDER UNDER  
 6 THIS SUBTITLE, THE PETITIONER OR THE RESPONDENT MAY FILE A WRITTEN  
 7 REQUEST TO SHIELD ALL COURT RECORDS RELATING TO THE PROCEEDING IN  
 8 ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION.

9 (c) A request for shielding under this section may not be filed within 3 years  
 10 after the denial or dismissal of the petition **OR THE CONSENT TO THE ENTRY OF**  
 11 **THE PROTECTIVE ORDER**, unless the ~~respondent~~ **REQUESTING PARTY** files with the  
 12 request a general waiver and release of all the ~~respondent's~~ **PARTY'S** tort claims  
 13 related to the proceeding under this subtitle.

14 (d) (1) ~~On~~ IF A PETITION WAS DENIED OR DISMISSED AT THE  
 15 INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER STAGE OF A PROCEEDING  
 16 UNDER THIS SUBTITLE, ON the filing of a **WRITTEN** request for shielding under this  
 17 section, the court shall schedule a hearing on the request.

18 (2) The court shall give notice of the hearing to the ~~petitioner~~ **OTHER**  
 19 **PARTY** or the ~~petitioner's~~ **OTHER PARTY'S** counsel of record.

20 (3) Except as provided in paragraphs (4) and (5) of this subsection,  
 21 after the hearing, the court shall order the shielding of all court records relating to the  
 22 proceeding if the court finds:

23 (i) ~~1.~~ that the petition was denied or dismissed at the  
 24 interim, temporary, or final protective order stage of the proceeding; ~~OR~~

25 ~~2. THAT THE RESPONDENT CONSENTED TO THE~~  
 26 ~~ENTRY OF THE PROTECTIVE ORDER;~~

27 (ii) that a final protective order or peace order has not been  
 28 previously issued against the respondent in a proceeding between the petitioner and  
 29 the respondent; ~~and~~

30 (III) THAT THE RESPONDENT HAS NOT BEEN FOUND GUILTY  
 31 OF A CRIME ARISING FROM ABUSE AGAINST THE PETITIONER; AND

32 ~~(iii)~~ (IV) that none of the following are pending at the time of  
 33 the hearing:

1                   1.     an interim or temporary protective order or peace  
2 order issued against the respondent in a proceeding between the petitioner and the  
3 respondent; or

4                   2.     a criminal charge against the respondent arising from  
5 alleged abuse against the petitioner.

6                   (4)    (i)     ~~If the petitioner appears at the shielding hearing and objects~~  
7 ~~to the shielding~~ **ON ITS OWN MOTION OR ON THE OBJECTION OF THE OTHER**  
8 **PARTY**, the court may, for good cause, deny the shielding.

9                   (ii)    In determining whether there is good cause ~~to grant the~~  
10 ~~request to shield court records~~ **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH**,  
11 the court shall balance the privacy of the **PETITIONER OR THE** respondent and  
12 potential danger of adverse consequences to the **PETITIONER OR THE** respondent  
13 against the potential risk of future harm and danger to the petitioner and the  
14 community.

15                   (5)    Information about the proceeding may not be removed from the  
16 Domestic Violence Central Repository.

17                   **(E) (1) (I) IF THE RESPONDENT CONSENTED TO THE ENTRY OF A**  
18 **PROTECTIVE ORDER UNDER THIS SUBTITLE, THE PETITIONER OR THE**  
19 **RESPONDENT MAY FILE A WRITTEN REQUEST FOR SHIELDING AT ANY TIME**  
20 **AFTER THE PROTECTIVE ORDER EXPIRES.**

21                   **(II) ON THE FILING OF A REQUEST FOR SHIELDING UNDER**  
22 **THIS PARAGRAPH, THE COURT SHALL SCHEDULE A HEARING ON THE REQUEST.**

23                   **(III) THE COURT SHALL GIVE NOTICE OF THE HEARING TO**  
24 **THE OTHER PARTY OR THE OTHER PARTY'S COUNSEL OF RECORD.**

25                   **(IV) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (V) AND**  
26 **SUBPARAGRAPH (VI) OF THIS PARAGRAPH AND SUBJECT TO SUBPARAGRAPH (V)**  
27 **OF THIS PARAGRAPH, AFTER THE HEARING, THE COURT ~~SHALL~~ MAY ORDER THE**  
28 **SHIELDING OF ALL COURT RECORDS RELATING TO THE PROCEEDING IF THE**  
29 **COURT FINDS:**

30                   **1. FOR CASES IN WHICH THE RESPONDENT**  
31 **REQUESTS SHIELDING, THAT THE PETITIONER CONSENTS TO THE SHIELDING;**

32                   **2. THAT THE RESPONDENT DID NOT VIOLATE THE**  
33 **PROTECTIVE ORDER DURING ITS TERM;**

1                   **3. THAT A FINAL PEACE ORDER OR PROTECTIVE**  
2 **ORDER HAS NOT BEEN PREVIOUSLY ISSUED AGAINST THE RESPONDENT IN A**  
3 **PROCEEDING BETWEEN THE PETITIONER AND THE RESPONDENT;**

4                   **4. THAT THE RESPONDENT HAS NOT BEEN FOUND**  
5 **GUILTY OF A CRIME ARISING FROM ABUSE AGAINST THE PETITIONER; AND**

6                   **5. THAT NONE OF THE FOLLOWING ARE PENDING AT**  
7 **THE TIME OF THE HEARING:**

8                   **A. AN INTERIM OR TEMPORARY PEACE ORDER OR**  
9 **PROTECTIVE ORDER ISSUED AGAINST THE RESPONDENT ~~IN A PROCEEDING~~**  
10 **~~BETWEEN THE PETITIONER AND THE RESPONDENT; OR~~**

11                   **B. A CRIMINAL CHARGE AGAINST THE RESPONDENT**  
12 **ARISING FROM ALLEGED ABUSE AGAINST ~~THE PETITIONER~~ AN INDIVIDUAL.**

13                   **(V) ~~1. ON ITS OWN MOTION, OR ON THE OBJECTION OF~~**  
14 **~~THE OTHER PARTY, THE COURT MAY, FOR GOOD CAUSE, DENY THE REQUEST~~**  
15 **~~FOR SHIELDING.~~**

16                   **2. IN DETERMINING WHETHER ~~THERE IS GOOD~~**  
17 **~~CAUSE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH~~ COURT RECORDS**  
18 ***SHOULD BE SHIELDED UNDER THIS PARAGRAPH,* THE COURT SHALL BALANCE**  
19 **THE PRIVACY OF THE PETITIONER OR THE RESPONDENT AND POTENTIAL**  
20 **DANGER OF ADVERSE CONSEQUENCES TO THE PETITIONER OR THE**  
21 **RESPONDENT AGAINST THE POTENTIAL RISK OF FUTURE HARM AND DANGER TO**  
22 **THE PETITIONER AND THE COMMUNITY.**

23                   **(VI) INFORMATION ABOUT THE PROCEEDING MAY NOT BE**  
24 **REMOVED FROM THE DOMESTIC VIOLENCE CENTRAL REPOSITORY.**

25                   **(2) (I) IF THE RESPONDENT CONSENTED TO THE ENTRY OF A**  
26 **PROTECTIVE ORDER UNDER THIS SUBTITLE, BUT THE PETITIONER DID NOT**  
27 **CONSENT TO SHIELDING AT THE HEARING UNDER PARAGRAPH (1) OF THIS**  
28 **SUBSECTION, THE RESPONDENT MAY REFILE A WRITTEN REQUEST FOR**  
29 **SHIELDING AFTER 1 YEAR FROM THE DATE OF THE HEARING UNDER**  
30 **PARAGRAPH (1) OF THIS SUBSECTION.**

31                   **(II) ON THE FILING OF A REQUEST FOR SHIELDING UNDER**  
32 **THIS PARAGRAPH, THE COURT SHALL SCHEDULE A HEARING ON THE REQUEST.**

33                   **(III) THE COURT SHALL GIVE NOTICE OF THE HEARING TO**  
34 **THE OTHER PARTY OR THE OTHER PARTY'S COUNSEL OF RECORD.**

1                    (IV) EXCEPT AS PROVIDED IN ~~SUBPARAGRAPHS (V) AND~~  
2 ~~SUBPARAGRAPH (VI) OF THIS PARAGRAPH AND SUBJECT TO SUBPARAGRAPH (V)~~  
3 ~~OF THIS PARAGRAPH, AFTER THE HEARING, THE COURT ~~SHALL~~ MAY ORDER THE~~  
4 ~~SHIELDING OF ALL COURT RECORDS RELATING TO THE PROCEEDING IF THE~~  
5 ~~COURT FINDS:~~

6                    1.    A.    THAT THE PETITIONER CONSENTS TO THE  
7 SHIELDING; OR

8                    B.    THAT THE PETITIONER DOES NOT CONSENT TO  
9 THE SHIELDING, BUT THAT IT IS UNLIKELY THAT THE RESPONDENT WILL  
10 COMMIT AN ACT OF ABUSE AGAINST THE PETITIONER IN THE FUTURE;

11                   2.    THAT THE RESPONDENT DID NOT VIOLATE THE  
12 PROTECTIVE ORDER DURING ITS TERM;

13                   3.    THAT A FINAL PEACE ORDER OR PROTECTIVE  
14 ORDER HAS NOT BEEN PREVIOUSLY ISSUED AGAINST THE RESPONDENT IN A  
15 PROCEEDING BETWEEN THE PETITIONER AND THE RESPONDENT;

16                   4.    THAT THE RESPONDENT HAS NOT BEEN FOUND  
17 GUILTY OF A CRIME ARISING FROM ABUSE AGAINST THE PETITIONER; AND

18                   5.    THAT NONE OF THE FOLLOWING ARE PENDING AT  
19 THE TIME OF THE HEARING:

20                   A.    AN INTERIM OR TEMPORARY PEACE ORDER OR  
21 PROTECTIVE ORDER ISSUED AGAINST THE RESPONDENT ~~IN A PROCEEDING~~  
22 ~~BETWEEN THE PETITIONER AND THE RESPONDENT; OR~~

23                   B.    A CRIMINAL CHARGE AGAINST THE RESPONDENT  
24 ARISING FROM ALLEGED ABUSE AGAINST ~~THE PETITIONER~~ AN INDIVIDUAL.

25                   (V) 1.    ~~ON ITS OWN MOTION OR ON THE OBJECTION OF~~  
26 ~~THE OTHER PARTY, THE COURT MAY, FOR GOOD CAUSE, DENY THE REQUEST~~  
27 ~~FOR SHIELDING.~~

28                   2.    IN DETERMINING WHETHER ~~THERE IS GOOD~~  
29 ~~CAUSE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH~~ COURT RECORDS  
30 ~~SHOULD BE SHIELDED UNDER THIS PARAGRAPH,~~ THE COURT SHALL BALANCE  
31 THE PRIVACY OF THE PETITIONER OR THE RESPONDENT AND POTENTIAL  
32 DANGER OF ADVERSE CONSEQUENCES TO THE PETITIONER OR THE

1 RESPONDENT AGAINST THE POTENTIAL RISK OF FUTURE HARM AND DANGER TO  
 2 THE PETITIONER AND THE COMMUNITY.

3 (VI) INFORMATION ABOUT THE PROCEEDING MAY NOT BE  
 4 REMOVED FROM THE DOMESTIC VIOLENCE CENTRAL REPOSITORY.

5 ~~(F)~~ (F) (1) This section does not preclude the following persons from  
 6 accessing a shielded record for a legitimate reason:

7 (i) a law enforcement officer;

8 (ii) an attorney who represents or has represented the  
 9 petitioner or the respondent in a proceeding;

10 (iii) a State's Attorney;

11 (iv) an employee of a local department; or

12 (v) a victim services provider.

13 (2) (i) A person not listed in paragraph (1) of this subsection may  
 14 subpoena, or file a motion for access to, a record shielded under this section.

15 (ii) If the court finds that the person has a legitimate reason for  
 16 access, the court may grant the person access to the shielded record under the terms  
 17 and conditions that the court determines.

18 (iii) In ruling on a motion under this paragraph, the court shall  
 19 balance the person's need for access to the record with the PETITIONER'S OR THE  
 20 respondent's right to privacy and the potential harm of unwarranted adverse  
 21 consequences to the PETITIONER OR THE respondent that the disclosure may create.

22 ~~(G)~~ (G) Within 60 days after entry of an order FOR SHIELDING under  
 23 ~~subsection (d)(3) of~~ this section, each custodian of court records that are subject to the  
 24 order of shielding shall advise in writing the court and the respondent of compliance  
 25 with the order.

26 (H) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION,  
 27 IN CONSULTATION WITH THE MARYLAND JUDICIARY, MAY ADOPT REGULATIONS  
 28 GOVERNING ONLINE ACCESS TO SHIELDED RECORDS BY A VICTIM SERVICES  
 29 PROVIDER.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 31 October 1, 2014.