

SENATE BILL 334

D4, D3

4lr0151
CF HB 309

By: **The President (By Request – Administration) and Senators Frosh and Raskin**

Introduced and read first time: January 17, 2014

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 11, 2014

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Domestic Violence – Permanent Final Protective Orders**

3 FOR the purpose of requiring a court to issue a permanent final protective order
4 against an individual who is sentenced to serve, instead of who served, a certain
5 term of imprisonment for certain crimes ~~under certain circumstances~~ and who
6 has served a certain period of time; adding the crime of assault in the second
7 degree to the list of crimes, the commission of which subjects an individual to
8 the issuance of a permanent final protective order against the individual under
9 certain circumstances; and generally relating to domestic violence and
10 permanent final protective orders.

11 BY repealing and reenacting, without amendments,
12 Article – Criminal Law
13 Section 3–203
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2013 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Family Law
18 Section 4–506(k)
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2013 Supplement)

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

3 **Article – Criminal Law**

4 3–203.

5 (a) A person may not commit an assault.

6 (b) Except as provided in subsection (c) of this section, a person who violates
7 subsection (a) of this section is guilty of the misdemeanor of assault in the second
8 degree and on conviction is subject to imprisonment not exceeding 10 years or a fine
9 not exceeding \$2,500 or both.

10 (c) (1) In this subsection, “physical injury” means any impairment of
11 physical condition, excluding minor injuries.

12 (2) A person may not intentionally cause physical injury to another if
13 the person knows or has reason to know that the other is:

14 (i) a law enforcement officer engaged in the performance of the
15 officer’s official duties; or

16 (ii) a parole or probation agent engaged in the performance of
17 the agent’s official duties.

18 (3) A person who violates paragraph (2) of this subsection is guilty of
19 the felony of assault in the second degree and on conviction is subject to imprisonment
20 not exceeding 10 years or a fine not exceeding \$5,000 or both.

21 **Article – Family Law**

22 4–506.

23 (k) (1) Notwithstanding any other provision of this section, the court shall
24 issue a new final protective order against an individual if:

25 (i) the individual was previously a respondent under this
26 subtitle against whom a final protective order was issued;

27 (ii) the individual was convicted and [served] **SENTENCED TO**
28 **SERVE** a term of imprisonment of at least 5 years under § 2–205, § 2–206, § 3–202, §
29 **3–203**, § 3–303, § 3–304, § 3–305, § 3–306, § 3–309, § 3–310, § 3–311, or § 3–312 of the
30 Criminal Law Article for the act of abuse that led to the issuance of the final protective
31 order **AND HAS SERVED AT LEAST 12 MONTHS OF THE SENTENCE**; and

1 (iii) the victim of the abuse who was the person eligible for relief
2 in the original final protective order requests the issuance of a new final protective
3 order.

4 (2) In a final protective order issued under this subsection, the court
5 may grant only the relief that was granted in the original protective order under
6 subsection (d)(1) or (2) of this section.

7 (3) Unless terminated at the request of the victim, a final protective
8 order issued under this subsection shall be permanent.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.