

SENATE BILL 434

D4

4r0598
CF HB 647

By: **Senators Frosh, Forehand, Raskin, Shank, and Stone**

Introduced and read first time: January 24, 2014

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 25, 2014

CHAPTER _____

1 AN ACT concerning

2 **Peace Orders and Protective Orders – Extensions**

3 FOR the purpose of requiring the court, under certain circumstances, to hold a hearing
4 on a certain motion to extend the term of a final peace order or a final protective
5 order within a certain period of time after the motion is filed; requiring the
6 court, under certain circumstances, to extend the order and keep the terms of
7 the order in full force and effect until the hearing; and generally relating to
8 peace orders and protective orders.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 3–1506(a)
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2013 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Family Law
16 Section 4–507(a)
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2013 Supplement)

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

21 **Article – Courts and Judicial Proceedings**

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 3–1506.

2 (a) (1) A peace order may be modified or rescinded during the term of the
3 peace order after:

4 (i) Giving notice to the petitioner and the respondent; and

5 (ii) A hearing.

6 (2) For good cause shown, a judge may extend the term of the peace
7 order for 6 months beyond the period specified in § 3–1505(f) of this subtitle, after:

8 (i) Giving notice to the petitioner and the respondent; and

9 (ii) A hearing.

10 **(3) (I) IF, DURING THE TERM OF A FINAL PEACE ORDER, A**
11 **PETITIONER FILES A MOTION TO EXTEND THE TERM OF THE ORDER UNDER**
12 **PARAGRAPH (2) OF THIS SUBSECTION, THE COURT SHALL HOLD A HEARING ON**
13 **THE MOTION WITHIN 30 DAYS AFTER THE MOTION IS FILED.**

14 **(II) IF THE HEARING ON THE MOTION IS SCHEDULED AFTER**
15 **THE ORIGINAL EXPIRATION DATE OF THE FINAL PEACE ORDER, THE COURT**
16 **SHALL EXTEND THE ORDER AND KEEP THE TERMS OF THE ORDER IN FULL**
17 **FORCE AND EFFECT UNTIL THE HEARING ON THE MOTION.**

18 **Article – Family Law**

19 4–507.

20 (a) (1) A protective order may be modified or rescinded during the term of
21 the protective order after:

22 (i) giving notice to all affected persons eligible for relief and the
23 respondent; and

24 (ii) a hearing.

25 (2) For good cause shown, a judge may extend the term of the
26 protective order for 6 months beyond the period specified in § 4–506(j) of this subtitle,
27 after:

28 (i) giving notice to all affected persons eligible for relief and the
29 respondent; and

1 (ii) a hearing.

2 (3) (i) If, during the term of a protective order, a judge finds by
3 clear and convincing evidence that the respondent named in the protective order has
4 committed a subsequent act of abuse against a person eligible for relief named in the
5 protective order, the judge may extend the term of the protective order for a period not
6 to exceed 2 years from the date the extension is granted, after:

7 1. giving notice to all affected persons eligible for relief
8 and the respondent; and

9 2. a hearing.

10 (ii) In determining the period of extension of a protective order
11 under subparagraph (i) of this paragraph, the judge shall consider the following
12 factors:

13 1. the nature and severity of the subsequent act of
14 abuse;

15 2. the history and severity of abuse in the relationship
16 between the respondent and any person eligible for relief named in the protective
17 order;

18 3. the pendency and type of criminal charges against the
19 respondent; and

20 4. the nature and extent of the injury or risk of injury
21 caused by the respondent.

22 **(4) (I) IF, DURING THE TERM OF A FINAL PROTECTIVE ORDER,**
23 **A PETITIONER OR PERSON ELIGIBLE FOR RELIEF FILES A MOTION TO EXTEND**
24 **THE TERM OF THE ORDER UNDER PARAGRAPH (2) OR (3) OF THIS SUBSECTION,**
25 **THE COURT SHALL HOLD A HEARING ON THE MOTION WITHIN 30 DAYS AFTER**
26 **THE MOTION IS FILED.**

27 **(II) IF THE HEARING ON THE MOTION IS SCHEDULED AFTER**
28 **THE ORIGINAL EXPIRATION DATE OF THE FINAL PROTECTIVE ORDER, THE**
29 **COURT SHALL EXTEND THE ORDER AND KEEP THE TERMS OF THE ORDER IN**
30 **FULL FORCE AND EFFECT UNTIL THE HEARING ON THE MOTION.**

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