

Article - Courts and Judicial Proceedings

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§3-1503.1.

(a) A petition under this subtitle may be filed with a commissioner when the Office of the District Court Clerk is not open for business.

(b) If a petition is filed with a commissioner and the commissioner finds that there are reasonable grounds to believe that the respondent has committed, and is likely to commit in the future, an act specified in § 3-1503(a) of this subtitle against the petitioner, the commissioner may issue an interim peace order to protect the petitioner.

(c) An interim peace order:

(1) Shall contain only the relief that is minimally necessary to protect the petitioner; and

(2) May order the respondent to:

(i) Refrain from committing or threatening to commit an act specified in § 3-1503(a) of this subtitle against the petitioner;

(ii) Refrain from contacting, attempting to contact, or harassing the petitioner;

(iii) Refrain from entering the residence of the petitioner; and

(iv) Remain away from the place of employment, school, or temporary residence of the petitioner.

(d) (1) (i) An interim peace order shall state the date, time, and location for the temporary peace order hearing and a tentative date, time, and location for a final peace order hearing.

(ii) Except as provided in subsection (g) of this section, or unless the court continues the hearing for good cause, a temporary peace order hearing shall be held on the first or second day on which a District Court judge is sitting after issuance of the interim peace order.

(2) An interim peace order shall include in at least 10-point bold type:

(i) Notice to the respondent that:

1. The respondent must give the court written notice of each change of address;

2. If the respondent fails to appear at the temporary peace

order hearing or any later hearing, the respondent may be served with any other orders or notices in the case by first-class mail at the respondent's last known address;

3. The date, time, and location of the final peace order hearing is tentative only, and subject to change; and

4. If the respondent does not attend the temporary peace order hearing, the respondent may call the Office of the Clerk of the District Court at the number provided in the order to find out the actual date, time, and location of any final peace order hearing;

(ii) A statement of all possible forms and duration of relief that a temporary peace order or final peace order may contain;

(iii) Notice to the petitioner and respondent that, at the hearing, a judge may issue a temporary peace order that grants any or all of the relief requested in the petition or may deny the petition, whether or not the respondent is in court;

(iv) A warning to the respondent that violation of an interim peace order is a crime and that a law enforcement officer shall arrest the respondent, with or without a warrant, and take the respondent into custody if the officer has probable cause to believe that the respondent has violated any provision of the interim peace order; and

(v) The phone number of the Office of the District Court Clerk.

(e) Whenever a commissioner issues an interim peace order, the commissioner shall:

(1) Immediately forward a copy of the petition and interim peace order to the appropriate law enforcement agency for service on the respondent; and

(2) Before the hearing scheduled in the interim peace order, transfer the case file and the return of service, if any, to the Office of the District Court Clerk.

(f) A law enforcement officer shall:

(1) Immediately on receipt of a petition and interim peace order, serve them on the respondent named in the order; and

(2) Immediately after service, make a return of service to the commissioner's office or, if the Office of the District Court Clerk is open for business, to the clerk.

(g) (1) Except as otherwise provided in this subsection, an interim peace order shall be effective until the earlier of:

(i) The temporary peace order hearing under § 3-1504 of this

subtitle; or

(ii) The end of the second business day the Office of the Clerk of the District Court is open following the issuance of an interim peace order.

(2) If the court is closed on the day on which the interim peace order is due to expire, the interim peace order shall be effective until the next day on which the court is open, at which time the court shall hold a temporary peace order hearing.

(h) A decision of a commissioner to grant or deny relief under this section is not binding on, and does not affect any power granted to or duty imposed on, a judge of a circuit court or the District Court under any law, including any power to grant or deny a petition for a temporary peace order or final peace order.

(i) An individual who knowingly provides false information in a petition filed under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both.

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