

HOUSE BILL 263

D4

5lr1151

By: **Delegates Valentino–Smith, Angel, Atterbeary, Dumais, Kelly, McComas, and Rey**

Introduced and read first time: February 4, 2015

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 17, 2015

CHAPTER _____

1 AN ACT concerning

2 **Domestic Violence – Permanent Protective Orders – Conspiracy or Solicitation**
3 **to Commit Murder**

4 FOR the purpose of expanding the circumstances under which a court is required to issue
5 a certain permanent final protective order to include the conviction of an individual
6 for conspiracy or solicitation to commit murder under certain circumstances; and
7 generally relating to domestic violence.

8 BY repealing and reenacting, with amendments,
9 Article – Family Law
10 Section 4–506(k)
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2014 Supplement)

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

15 **Article – Family Law**

16 4–506.

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

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

3 (ii) **FOR THE ACT OF ABUSE THAT LED TO THE ISSUANCE OF THE**
4 **FINAL PROTECTIVE ORDER**, the individual was convicted and sentenced to serve a term
5 of imprisonment of at least 5 years under § 2–205, § 2–206, § 3–202, § 3–203, § 3–303, §
6 3–304, § 3–305, § 3–306, § 3–309, § 3–310, § 3–311, or § 3–312 of the Criminal Law Article
7 [for the act of abuse that led to the issuance of the final protective order] **OR FOR**
8 **CONSPIRACY OR SOLICITATION TO COMMIT MURDER** and **THE INDIVIDUAL** has served
9 at least 12 months of the sentence; and

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

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

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.