

# HOUSE BILL 390

D4

(5lr1148)

## ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegates Atterbeary, Angel, Barkley, Carter, Chang, Dumais, Ebersole, Gutierrez, Hayes, Hill, Jalisi, Kittleman, Lam, Lierman, McCray, Moon, Morales, Pena–Melnyk, Pendergrass, Platt, B. Robinson, Smith, Sydnor, Turner, Valderrama, Valentino–Smith, C. Wilson, and K. Young**

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 **Protective Order and Peace Order Petitions – Maryland Residents**

3 FOR the purpose of authorizing the filing of a protective order petition if the abuse is  
4 alleged to have occurred in the State or if the person eligible for relief is a resident  
5 of the State; authorizing the filing of a peace order petition if a certain act is alleged  
6 to have occurred in the State or if the petitioner is a resident of the State; *declaring*  
7 *that it is the intent of the General Assembly that an order for protection issued by a*  
8 *court of this State shall be accorded full faith and credit by a court of another state to*  
9 *the extent required by federal law;* and generally relating to protective orders and  
10 peace orders.

11 BY repealing and reenacting, with amendments,

---

#### 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 Article – Family Law  
 2 Section 4–504(a) *and 4–508.1*  
 3 Annotated Code of Maryland  
 4 (2012 Replacement Volume and 2014 Supplement)

5 BY repealing and reenacting, with amendments,  
 6 Article – Courts and Judicial Proceedings  
 7 Section 3–1503(a)  
 8 Annotated Code of Maryland  
 9 (2013 Replacement Volume and 2014 Supplement)

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

12 **Article – Family Law**

13 4–504.

14 (a) **(1)** A petitioner may seek relief from abuse by filing with a court, or with a  
 15 commissioner under the circumstances specified in § 4–504.1(a) of this subtitle, a petition  
 16 that alleges abuse of any person eligible for relief by the respondent.

17 **(2) A PETITION MAY BE FILED UNDER THIS SUBTITLE IF:**

18 **(I) THE ABUSE IS ALLEGED TO HAVE OCCURRED IN THE STATE;**  
 19 **OR**

20 **(II) THE PERSON ELIGIBLE FOR RELIEF IS A RESIDENT OF THE**  
 21 **STATE, REGARDLESS OF WHETHER THE ABUSE IS ALLEGED TO HAVE OCCURRED IN**  
 22 **THE STATE.**

23 4–508.1.

24 (a) (1) In this section, “order for protection” means a temporary or final order  
 25 or injunction that:

26 (i) is issued for the purpose of preventing violent or threatening acts  
 27 or harassment against, contact or communication with, or physical proximity to another  
 28 person;

29 (ii) is issued by a civil court in response to a complaint, petition, or  
 30 motion filed by or on behalf of a person seeking protection or by a criminal court; and

31 (iii) is obtained by filing an independent action or as a pendente lite  
 32 order in another proceeding.



1            **[(3)] (III)**    Assault in any degree;

2            **[(4)] (IV)**    Rape or sexual offense under §§ 3–303 through 3–308 of the  
3 Criminal Law Article or attempted rape or sexual offense in any degree;

4            **[(5)] (V)**        False imprisonment;

5            **[(6)] (VI)**        Harassment under § 3–803 of the Criminal Law Article;

6            **[(7)] (VII)**       Stalking under § 3–802 of the Criminal Law Article;

7            **[(8)] (VIII)**    Trespass under Title 6, Subtitle 4 of the Criminal Law Article; or

8            **[(9)] (IX)**       Malicious destruction of property under § 6–301 of the Criminal  
9 Law Article.

10           **(2)    A PETITION MAY BE FILED UNDER THIS SUBTITLE IF:**

11                    **(I)    THE ACT DESCRIBED IN PARAGRAPH (1) OF THIS**  
12 **SUBSECTION IS ALLEGED TO HAVE OCCURRED IN THE STATE; OR**

13                    **(II)   THE PETITIONER IS A RESIDENT OF THE STATE,**  
14 **REGARDLESS OF WHETHER THE ACT DESCRIBED IN PARAGRAPH (1) OF THIS**  
15 **SUBSECTION IS ALLEGED TO HAVE OCCURRED IN THE STATE.**

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

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.