

# HOUSE BILL 390

D4

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CF SB 270

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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**

Introduced and read first time: February 6, 2015

Assigned to: Judiciary

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## A BILL ENTITLED

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; and  
7 generally relating to protective orders and peace orders.

8 BY repealing and reenacting, with amendments,  
9 Article – Family Law  
10 Section 4–504(a)  
11 Annotated Code of Maryland  
12 (2012 Replacement Volume and 2014 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Courts and Judicial Proceedings  
15 Section 3–1503(a)  
16 Annotated Code of Maryland  
17 (2013 Replacement Volume and 2014 Supplement)

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

### Article – Family Law

20  
21 4–504.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

5 (I) THE ABUSE IS ALLEGED TO HAVE OCCURRED IN THE STATE;  
 6 OR

7 (II) THE PERSON ELIGIBLE FOR RELIEF IS A RESIDENT OF THE  
 8 STATE, REGARDLESS OF WHETHER THE ABUSE IS ALLEGED TO HAVE OCCURRED IN  
 9 THE STATE.

### 10 Article – Courts and Judicial Proceedings

11 3–1503.

12 (a) (1) A petitioner may seek relief under this subtitle by filing with the court,  
 13 or with a commissioner under the circumstances specified in § 3–1503.1(a) of this subtitle,  
 14 a petition that alleges the commission of any of the following acts against the petitioner by  
 15 the respondent, if the act occurred within 30 days before the filing of the petition:

16 [(1)] (I) An act that causes serious bodily harm;

17 [(2)] (II) An act that places the petitioner in fear of imminent  
 18 serious bodily harm;

19 [(3)] (III) Assault in any degree;

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

22 [(5)] (V) False imprisonment;

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

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

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

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

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

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

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

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