

HOUSE BILL 314

D4, D3

6lr1558
CF SB 346

By: **Delegates Atterbeary, Cluster, Dumais, Ebersole, Glass, Hill, Kelly, Lam, Malone, McComas, Morales, Parrott, Pendergrass, Proctor, Smith, Turner, Valderrama, Valentino-Smith, B. Wilson, and C. Wilson**

Introduced and read first time: January 27, 2016

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 1, 2016

CHAPTER _____

1 AN ACT concerning

2 **Peace Orders – Grounds for Relief**

3 FOR the purpose of adding certain offenses to the list of offenses alleged to have been
4 committed by a certain respondent against a certain victim for which a peace order
5 request or a peace order petition may be filed under certain circumstances; and
6 generally relating to peace orders.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–8A–19.1 and 3–1503(a)
10 Annotated Code of Maryland
11 (2013 Replacement Volume and 2015 Supplement)

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

14 **Article – Courts and Judicial Proceedings**

15 3–8A–19.1.

16 (a) In this section and in §§ 3–8A–19.2, 3–8A–19.3, and 3–8A–19.4 of this subtitle,
17 “victim” means an individual against whom an act described in subsection (b) of this section
18 is committed or alleged to have been committed.

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 (b) (1) Except as provided in paragraph (2) of this subsection, after an inquiry
2 conducted in accordance with § 3–8A–10 of this subtitle, an intake officer may file with the
3 court a peace order request that alleges the commission of any of the following acts against
4 a victim by the respondent, if the act occurred within 30 days before the filing of the
5 complaint under § 3–8A–10 of this subtitle:

6 (i) An act that causes serious bodily harm;

7 (ii) An act that places the victim in fear of imminent serious bodily
8 harm;

9 (iii) Assault in any degree;

10 (iv) Rape or sexual offense under §§ 3–303 through 3–308 of the
11 Criminal Law Article or attempted rape or sexual offense in any degree;

12 (v) False imprisonment;

13 (vi) Harassment under § 3–803 of the Criminal Law Article;

14 (vii) Stalking under § 3–802 of the Criminal Law Article;

15 (viii) Trespass under Title 6, Subtitle 4 of the Criminal Law Article;

16 [or]

17 (ix) Malicious destruction of property under § 6–301 of the Criminal
18 Law Article;

19 (X) MISUSE OF TELEPHONE FACILITIES AND EQUIPMENT
20 UNDER § 3–804 OF THE CRIMINAL LAW ARTICLE;

21 (XI) MISUSE OF ELECTRONIC COMMUNICATION OR
22 INTERACTIVE COMPUTER SERVICE UNDER § 3–805 OF THE CRIMINAL LAW ARTICLE;

23 (XII) REVENGE PORN UNDER § 3–809 OF THE CRIMINAL LAW
24 ARTICLE; OR

25 (XIII) VISUAL SURVEILLANCE UNDER § 3–901, § 3–902, OR § 3–903
26 OF THE CRIMINAL LAW ARTICLE.

27 (2) After a review conducted in accordance with § 3–8A–10(c)(4)(ii) of this
28 subtitle, the State’s Attorney may file with the court a peace order request that meets the
29 requirements of paragraph (1) of this subsection.

30 3–1503.

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

5 (i) An act that causes serious bodily harm;

6 (ii) An act that places the petitioner in fear of imminent serious
7 bodily harm;

8 (iii) Assault in any degree;

9 (iv) Rape or sexual offense under §§ 3–303 through 3–308 of the
10 Criminal Law Article or attempted rape or sexual offense in any degree;

11 (v) False imprisonment;

12 (vi) Harassment under § 3–803 of the Criminal Law Article;

13 (vii) Stalking under § 3–802 of the Criminal Law Article;

14 (viii) Trespass under Title 6, Subtitle 4 of the Criminal Law Article;
15 [or]

16 (ix) Malicious destruction of property under § 6–301 of the Criminal
17 Law Article;

18 (X) MISUSE OF TELEPHONE FACILITIES AND EQUIPMENT
19 UNDER § 3–804 OF THE CRIMINAL LAW ARTICLE;

20 (XI) MISUSE OF ELECTRONIC COMMUNICATION OR
21 INTERACTIVE COMPUTER SERVICE UNDER § 3–805 OF THE CRIMINAL LAW ARTICLE;

22 (XII) REVENGE PORN UNDER § 3–809 OF THE CRIMINAL LAW
23 ARTICLE; OR

24 (XIII) VISUAL SURVEILLANCE UNDER § 3–901, § 3–902, OR § 3–903
25 OF THE CRIMINAL LAW ARTICLE.

26 (2) A petition may be filed under this subtitle if:

27 (i) The act described in paragraph (1) of this subsection is alleged to
28 have occurred in the State; or

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1 (ii) The petitioner is a resident of the State, regardless of whether
2 the act described in paragraph (1) of this subsection is alleged to have occurred in the State.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.