

SENATE BILL 346

D4, D3

6lr2279
CF HB 314

By: **Senators Ramirez, Cassilly, Lee, Madaleno, and Raskin**

Introduced and read first time: January 28, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

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.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (ii) An act that places the victim in fear of imminent serious bodily
2 harm;
- 3 (iii) Assault in any degree;
- 4 (iv) Rape or sexual offense under §§ 3–303 through 3–308 of the
5 Criminal Law Article or attempted rape or sexual offense in any degree;
- 6 (v) False imprisonment;
- 7 (vi) Harassment under § 3–803 of the Criminal Law Article;
- 8 (vii) Stalking under § 3–802 of the Criminal Law Article;
- 9 (viii) Trespass under Title 6, Subtitle 4 of the Criminal Law Article;
10 [or]
- 11 (ix) Malicious destruction of property under § 6–301 of the Criminal
12 Law Article;

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

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

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

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

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

24 3–1503.

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

- 29 (i) An act that causes serious bodily harm;

- 1 (ii) An act that places the petitioner in fear of imminent serious
2 bodily harm;
- 3 (iii) Assault in any degree;
- 4 (iv) Rape or sexual offense under §§ 3–303 through 3–308 of the
5 Criminal Law Article or attempted rape or sexual offense in any degree;
- 6 (v) False imprisonment;
- 7 (vi) Harassment under § 3–803 of the Criminal Law Article;
- 8 (vii) Stalking under § 3–802 of the Criminal Law Article;
- 9 (viii) Trespass under Title 6, Subtitle 4 of the Criminal Law Article;
- 10 [or]
- 11 (ix) Malicious destruction of property under § 6–301 of the Criminal
12 Law Article;
- 13 (X) MISUSE OF TELEPHONE FACILITIES AND EQUIPMENT
14 UNDER § 3–804 OF THE CRIMINAL LAW ARTICLE;
- 15 (XI) MISUSE OF ELECTRONIC COMMUNICATION OR
16 INTERACTIVE COMPUTER SERVICE UNDER § 3–805 OF THE CRIMINAL LAW ARTICLE;
- 17 (XII) REVENGE PORN UNDER § 3–809 OF THE CRIMINAL LAW
18 ARTICLE; OR
- 19 (XIII) VISUAL SURVEILLANCE UNDER § 3–901, § 3–902, OR § 3–903
20 OF THE CRIMINAL LAW ARTICLE.

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

- 22 (i) The act described in paragraph (1) of this subsection is alleged to
23 have occurred in the State; or
- 24 (ii) The petitioner is a resident of the State, regardless of whether
25 the act described in paragraph (1) of this subsection is alleged to have occurred in the State.

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