

SB0924/233123/1

BY: Delegate Angel

AMENDMENTS TO SENATE BILL 924
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Notification of Service – Sunset Repeal” and substitute “Definition of Abuse and Repeal of Sunset of Notification of Service”; in line 3, after the first “of” insert “altering the definition of “abuse” for purposes of certain provisions of law relating to domestic violence to include harassment and malicious destruction of property;”; in line 5, after “contingency;” insert “defining certain terms;”; and after line 6, insert:

“BY repealing and reenacting, with amendments,

Article - Family Law

Section 4–501

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 19, insert:

“4–501.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) “Abuse” means any of the following acts:

(i) an act that causes serious bodily harm;

(ii) an act that places a person eligible for relief in fear of imminent serious bodily harm;

(Over)

(iii) assault in any degree;

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

(v) false imprisonment; [or]

(vi) stalking under § 3–802 of the Criminal Law Article;

(VII) HARASSMENT; OR

(VIII) MALICIOUS DESTRUCTION OF PROPERTY.

(2) If the person for whom relief is sought is a child, “abuse” may also include abuse of a child, as defined in Title 5, Subtitle 7 of this article. Nothing in this subtitle shall be construed to prohibit reasonable punishment, including reasonable corporal punishment, in light of the age and condition of the child, from being performed by a parent or stepparent of the child.

(3) If the person for whom relief is sought is a vulnerable adult, “abuse” may also include abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this article.

(c) “Child care provider” means a person that provides supervision and care for a minor child.

(d) “Cohabitant” means a person who has had a sexual relationship with the respondent and resided with the respondent in the home for a period of at least 90 days within 1 year before the filing of the petition.

(e) “Commissioner” means a District Court Commissioner appointed in accordance with Article IV, § 41G of the Maryland Constitution.

(f) “Court” means the District Court or a circuit court in this State.

(g) “Emergency family maintenance” means a monetary award given to or for a person eligible for relief to whom the respondent has a duty of support under this article based on:

(1) the financial needs of the person eligible for relief; and

(2) the resources available to the person eligible for relief and the respondent.

(h) “Executive Director” means the Executive Director of the Governor’s Office of Crime Control and Prevention.

(i) “Final protective order” means a protective order issued under § 4–506 of this subtitle.

(J) “HARASSMENT” MEANS AN INTENTIONAL OR KNOWING COURSE OF CONDUCT OR A SERIES OF ACTS, INCLUDING WRITTEN OR ELECTRONIC COMMUNICATION OR TRANSMISSION, THAT CONTINUES AFTER A REASONABLE WARNING OR REQUEST TO STOP BY OR ON BEHALF OF ANOTHER PERSON AND THAT:

(1) SERIOUSLY ALARMS, TORMENTS, TERRORIZES, OR DISTURBS THE OTHER PERSON;

(2) HAS NO LEGAL PURPOSE; AND

(3) WOULD CAUSE A REASONABLE PERSON TO SUFFER MENTAL OR EMOTIONAL DISTRESS.

[(j)] (K) “Home” means the property in this State that:

- (1) is the principal residence of a person eligible for relief; and
- (2) is owned, rented, or leased by the person eligible for relief or respondent or, in a petition alleging child abuse or abuse of a vulnerable adult, an adult living in the home at the time of a proceeding under this subtitle.

[(k)] (L) “Interim protective order” means an order that a Commissioner issues under this subtitle pending a hearing by a judge on a petition.

[(l)] (M) “Local department” means the local department that has jurisdiction in the county:

- (1) where the home is located; or
- (2) if different, where the abuse is alleged to have taken place.

(N) “MALICIOUS DESTRUCTION OF PROPERTY” MEANS AN ACT THAT WILLFULLY DESTROYS, INJURES, OR DEFACES THE REAL OR PERSONAL PROPERTY OF ANOTHER PERSON, INCLUDING A PERMANENT DRAWING, PAINTING, MARKING, OR INSCRIPTION, EVEN IF THE PROPERTY IS HELD AS TENANTS BY THE ENTIRETY, AND THAT:

(1) SERIOUSLY ALARMS, TORMENTS, TERRORIZES, OR DISTURBS THE OTHER PERSON;

(2) HAS NO LEGAL PURPOSE; AND

(3) WOULD CAUSE A REASONABLE PERSON TO SUFFER MENTAL OR EMOTIONAL DISTRESS.

[(m)] (O) “Person eligible for relief” includes:

- (1) the current or former spouse of the respondent;
- (2) a cohabitant of the respondent;
- (3) a person related to the respondent by blood, marriage, or adoption;
- (4) a parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90 days within 1 year before the filing of the petition;
- (5) a vulnerable adult;
- (6) an individual who has a child in common with the respondent; or
- (7) an individual who has had a sexual relationship with the respondent within 1 year before the filing of the petition.

[(n)] (P) (1) “Pet” means a domesticated animal.

(2) “Pet” does not include livestock.

[(o)] (Q) (1) “Petitioner” means an individual who files a petition.

(2) “Petitioner” includes:

(i) a person eligible for relief; or

(ii) the following persons who may seek relief from abuse on behalf of a minor or vulnerable adult:

1. the State's Attorney for the county where the child or vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;

2. the department of social services that has jurisdiction in the county where the child or vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;

3. a person related to the child or vulnerable adult by blood, marriage, or adoption; or

4. an adult who resides in the home.

[(p)] (R) "Residence" includes the yard, grounds, outbuildings, and common areas surrounding the residence.

[(q)] (S) "Respondent" means the person alleged in the petition to have committed the abuse.

[(r)] (T) "Temporary protective order" means a protective order issued under § 4–505 of this subtitle.

[(s)] (U) "Victim" includes a person eligible for relief.

[(t)] (V) "Vulnerable adult" has the meaning provided in § 14–101(q) of this article."