

Department of Legislative Services  
 Maryland General Assembly  
 2017 Session

FISCAL AND POLICY NOTE  
 First Reader

House Bill 803 (Delegate Angel, *et al.*)  
 Judiciary

Domestic Violence - Education and Definition of Abuse

This bill expands the definition of “abuse” as it applies to petitions for domestic violence protective orders to include “harassment” and the “malicious destruction of property.” The bill also requires the State Board of Education to encourage the county boards to incorporate age-appropriate lessons on domestic violence into the health education curriculum.

Fiscal Summary

**State Effect:** General fund expenditures for the Judiciary increase by \$73,200 in FY 2018 only for programming changes. Otherwise, the bill does not materially impact the workload of the Judiciary. The enforcement of additional protective orders can be handled using existing budgeted resources. The State Board of Education can handle the bill’s requirement using existing budgeted resources. Revenues are not affected.

(in dollars)	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	73,200	0	0	0	0
Net Effect	(\$73,200)	\$0	\$0	\$0	\$0

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** The bill does not materially impact the workload of the circuit courts. The enforcement of additional protective orders can be handled using existing budgeted resources. Local expenditures may increase minimally to the extent that counties elect to incorporate lessons on domestic violence, as specified; however, the bill does not require counties to do so. Revenues are not affected.

**Small Business Effect:** None.

## Analysis

**Bill Summary:** “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 another person; (2) has no legal purpose; and (3) would cause a reasonable person to suffer mental or emotional distress.

“Malicious destruction of property” means an act that willfully destroys, injures, or defaces the real or personal property of another, including a permanent drawing, painting, marking, or inscription, even if the property is held as tenants by the entirety.

### Current Law:

#### *Definition of “Abuse” and Related Protective Orders*

An individual may seek relief from “abuse” by filing a petition for a protective order with the court, or if the clerk’s office is closed, with a District Court commissioner.

“Abuse” is defined as:

- an act that causes serious bodily harm;
- an act that places a person eligible for relief in fear of imminent serious bodily harm;
- assault in any degree;
- rape or sexual offense or attempted rape or sexual offense in any degree;
- false imprisonment; or
- stalking.

If the person for whom relief is sought is a child, “abuse” may also include abuse of a child, as defined in statute. “Abuse” may also include abuse of a vulnerable adult, as defined in statute, if the person for whom relief is sought is a vulnerable adult.

#### *Health Education Curriculum*

The State Board of Education must encourage the county boards to incorporate age-appropriate lessons on dating violence, diabetes and its treatment and prevention, oral disease prevention, and dental health promotion into the health education curriculum.

**Background:** According to the 2015 *Uniform Crime Report*, 30,534 domestic violence crimes were reported in Maryland. Assault was by far the most frequently reported crime,

with 25,996 incidents in calendar 2015. Of reported assaults, simple assaults comprised 21,054 incidents. There were 68 domestic violence homicides. There were 604 reports of malicious destruction of property; specific information regarding harassment is not included in the *Uniform Crime Report*.

In fiscal 2015 (the latest information readily available), the circuit courts granted 1,543 temporary protective orders and 1,166 final protective orders. In fiscal 2016, the District Court granted 13,221 interim protective orders, 17,447 temporary protective orders, and 7,906 final protective orders.

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### **Additional Information**

**Prior Introductions:** HB 1396 of 2016 received an unfavorable report from the House Judiciary Committee. SB 960, a similar bill designated as its cross file, was heard in the Senate Judicial Proceedings Committee, but no further action was taken.

**Cross File:** SB 900 (Senator Peters, *et al.*) - Judicial Proceedings and Education, Health, and Environmental Affairs.

**Information Source(s):** Carroll, Harford, Montgomery, Queen Anne's, and St. Mary's counties; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State Department of Education; Department of State Police; Department of Legislative Services

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