

Department of Legislative Services
 Maryland General Assembly
 2017 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1057 (Delegate Atterbeary, *et al.*)
 Judiciary

Family Law - Domestic Violence - Permanent Final Protective Orders

This bill adds kidnapping to the list of crimes, the commission of which subjects an individual to the issuance of a permanent final protective order. The bill also expands the circumstances under which a court is required to issue a permanent final protective order.

Fiscal Summary

State Effect: General fund expenditures for the Judiciary increase by \$33,400 in FY 2018 only for programming changes. Otherwise, the bill’s changes can be implemented and enforced using existing 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	33,400	0	0	0	0
Net Effect	(\$33,400)	\$0	\$0	\$0	\$0

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

Local Effect: The bill’s changes can be implemented and enforced using existing resources.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: A victim of abuse who was the person eligible for relief in an original final protective order may request the issuance of a new final protective order. A court must issue a new final protective order against an individual if (1) the individual was previously a respondent against whom a final protective order was issued and (2) the

individual was convicted and sentenced to serve a term of imprisonment of at least five years for attempted murder in the first or second degrees, first- or second-degree assault, first- or second-degree rape, first- or second-degree sexual offense, attempted rape or sexual offense in the first or second degree, or conspiracy or solicitation to commit murder. The individual must have served at least 12 months of the sentence, and the specified crime must have been the act of abuse that led to the issuance of the original final protective order. Unless terminated at the request of the victim, a new final protective order issued under these provisions is permanent. A new final protective order may contain only the relief that was granted in the original order that required the respondent to refrain from abusing or threatening to abuse the person eligible for relief or to refrain from contacting, attempting to contact, or harassing the person eligible for relief.

If the other conditions are met, the bill requires a final permanent protective order to be issued if an applicable crime occurs *during the term of the final protective order*. The bill also adds “kidnapping” to the above list of crimes.

Background: 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. In fiscal 2015 (the latest information readily available), there were a total of 6 permanent protective order petitions filed.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Department of Legislative Services

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mm/kdm

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