

# HOUSE BILL 30

D4

8lr1055

HB 803/17 – JUD

(PRE-FILED)

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By: ~~Delegate Angel~~ Delegates Angel, Dumais, Atterbeary, Corderman, Gibson, Malone, McComas, Moon, Queen, Sanchez, Sydnor, and Valentino-Smith

Requested: November 2, 2017

Introduced and read first time: January 10, 2018

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2018

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Domestic Violence – Education and Definition of Abuse~~  
3 Family Law – Domestic Violence – Definition of Abuse

4 FOR the purpose of ~~requiring the State Board of Education to encourage county boards of~~  
5 ~~education to incorporate age-appropriate lessons on domestic violence into a certain~~  
6 ~~curriculum~~; altering the definition of “abuse” for purposes of certain provisions of law  
7 relating to domestic violence to include ~~harassment and malicious destruction of~~  
8 ~~property~~; ~~defining certain terms~~ revenge porn; making a stylistic change; and  
9 generally relating to domestic violence.

10 ~~BY repealing and reenacting, with amendments,~~  
11 ~~Article – Education~~  
12 ~~Section 7-411.1~~  
13 ~~Annotated Code of Maryland~~  
14 ~~(2014 Replacement Volume and 2017 Supplement)~~

15 BY repealing and reenacting, without amendments,  
16 Article – Family Law  
17 Section 4-501(a)  
18 Annotated Code of Maryland  
19 (2012 Replacement Volume and 2017 Supplement)

20 BY repealing and reenacting, with amendments,

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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 Article – Family Law  
 2 Section ~~4-501~~ 4-501(b)  
 3 Annotated Code of Maryland  
 4 (2012 Replacement Volume and 2017 Supplement)

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

7 ~~Article – Education~~

8 ~~7-411.1.~~

9 ~~(a) The State Board shall encourage the county boards to incorporate~~  
 10 ~~age appropriate lessons on dating violence, DOMESTIC VIOLENCE, diabetes and its~~  
 11 ~~treatment and prevention, oral disease prevention, and dental health promotion into the~~  
 12 ~~county boards' health education curriculum.~~

13 ~~(b) On or before December 1, 2015, and every 5 years thereafter, the Department~~  
 14 ~~shall report to the Governor and, subject to § 2-1246 of the State Government Article, to~~  
 15 ~~the General Assembly a summary of the information reported to the State Superintendent~~  
 16 ~~during the COMAR certification process.~~

17 Article – Family Law

18 4-501.

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

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

21 (i) an act that causes serious bodily harm;

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

24 (iii) assault in any degree;

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

27 (v) false imprisonment; [or]

28 (vi) stalking under § 3-802 of the Criminal Law Article; **OR**

29 **(VII) HARASSMENT; OR**

1 ~~(VII) MALICIOUS DESTRUCTION OF PROPERTY~~ REVENGE PORN  
2 UNDER § 3-809 OF THE CRIMINAL LAW ARTICLE.

3 (2) (I) If the person for whom relief is sought is a child, “abuse” may  
4 also include abuse of a child, as defined in Title 5, Subtitle 7 of this article.

5 (II) Nothing in this subtitle shall be construed to prohibit reasonable  
6 punishment, including reasonable corporal punishment, in light of the age and condition of  
7 the child, from being performed by a parent or stepparent of the child.

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

10 ~~(e) “Child care provider” means a person that provides supervision and care for a~~  
11 ~~minor child.~~

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

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

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

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

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

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

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

26 ~~(i) “Final protective order” means a protective order issued under § 4-506 of this~~  
27 ~~subtitle.~~

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

1           ~~(1) SERIOUSLY ALARMS, TORMENTS, TERRORIZES, OR DISTURBS~~  
2 ~~ANOTHER PERSON;~~

3           ~~(2) HAS NO LEGAL PURPOSE; AND~~

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

6           ~~[(j)] (K) "Home" means the property in this State that:~~

7           ~~(1) is the principal residence of a person eligible for relief; and~~

8           ~~(2) is owned, rented, or leased by the person eligible for relief or respondent~~  
9 ~~or, in a petition alleging child abuse or abuse of a vulnerable adult, an adult living in the~~  
10 ~~home at the time of a proceeding under this subtitle.~~

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

13           ~~[(l)] (M) "Local department" means the local department that has jurisdiction in~~  
14 ~~the county:~~

15           ~~(1) where the home is located; or~~

16           ~~(2) if different, where the abuse is alleged to have taken place.~~

17           ~~(N) "MALICIOUS DESTRUCTION OF PROPERTY" MEANS AN ACT THAT:~~

18           ~~(1) WILLFULLY DESTROYS, INJURES, OR DEFACES THE REAL OR~~  
19 ~~PERSONAL PROPERTY OF ANOTHER, INCLUDING A PERMANENT DRAWING,~~  
20 ~~PAINTING, MARKING, OR INSCRIPTION, EVEN IF THE PROPERTY IS HELD AS TENANTS~~  
21 ~~BY THE ENTIRETY;~~

22           ~~(2) SERIOUSLY ALARMS, TORMENTS, TERRORIZES, OR DISTURBS~~  
23 ~~ANOTHER PERSON;~~

24           ~~(3) HAS NO LEGAL PURPOSE; AND~~

25           ~~(4) WOULD CAUSE A REASONABLE PERSON TO SUFFER MENTAL OR~~  
26 ~~EMOTIONAL DISTRESS.~~

27           ~~[(m)] (O) "Person eligible for relief" includes:~~

28           ~~(1) the current or former spouse of the respondent;~~

1           ~~(2) a cohabitant of the respondent;~~

2           ~~(3) a person related to the respondent by blood, marriage, or adoption;~~

3           ~~(4) a parent, stepparent, child, or stepchild of the respondent or the person~~  
4 ~~eligible for relief who resides or resided with the respondent or person eligible for relief for~~  
5 ~~at least 90 days within 1 year before the filing of the petition;~~

6           ~~(5) a vulnerable adult;~~

7           ~~(6) an individual who has a child in common with the respondent; or~~

8           ~~(7) an individual who has had a sexual relationship with the respondent~~  
9 ~~within 1 year before the filing of the petition.~~

10       ~~[(n)] (P) (1) "Pet" means a domesticated animal.~~

11           ~~(2) "Pet" does not include livestock.~~

12       ~~[(e)] (Q) (1) "Petitioner" means an individual who files a petition.~~

13           ~~(2) "Petitioner" includes:~~

14                   ~~(i) a person eligible for relief; or~~

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

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

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

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

24                           ~~4. an adult who resides in the home.~~

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

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

1 ~~[(e)] (T)~~ ~~“Temporary protective order” means a protective order issued under §~~  
2 ~~4-505 of this subtitle.~~

3 ~~[(e)] (U)~~ ~~“Victim” includes a person eligible for relief.~~

4 ~~[(t)] (V)~~ ~~“Vulnerable adult” has the meaning provided in § 14-101(q) of this~~  
5 ~~article.~~

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2018.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.