

SENATE BILL 491

D4

8lr1607
CF 8lr1458

By: **Senators Kelley, Conway, Currie, Eckardt, Feldman, Guzzone, Lee, Nathan-Pulliam, Peters, Ready, Robinson, Smith, Young, and Zucker**
Introduced and read first time: January 29, 2018
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Domestic Violence – Permanent Protective Orders**

3 FOR the purpose of expanding the circumstances under which the court is required to issue
4 a certain permanent protective order; requiring the court to issue a permanent
5 protective order against a certain individual if, during the term of a certain
6 protective order, the individual committed an act of abuse against a certain person
7 eligible for relief under certain circumstances; making certain conforming changes;
8 altering certain terminology; and generally relating to domestic violence.

9 BY repealing and reenacting, with amendments,
10 Article – Family Law
11 Section 4–506(k)
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2017 Supplement)

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

16 **Article – Family Law**

17 4–506.

18 (k) (1) Notwithstanding any other provision of this section, the court shall
19 issue a [new final] **PERMANENT** protective order **UNDER THIS SUBSECTION** against an
20 individual if:

21 (i) [the individual was previously a respondent under this subtitle
22 against whom a final] **AN INTERIM, TEMPORARY, OR FINAL** protective order [was] **HAS**
23 **BEEN** issued **UNDER THIS SUBTITLE AGAINST THE INDIVIDUAL;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (ii) 1. [for the act of abuse that led to the issuance of the final
2 protective order,] the individual was convicted and sentenced to serve a term of
3 imprisonment of at least 5 years [under § 2–205, § 2–206, § 3–202, § 3–203, § 3–303,
4 § 3–304, § 3–309, or § 3–310 of the Criminal Law Article, § 3–305, § 3–306, § 3–311, or
5 § 3–312 of the Criminal Law Article as the sections existed before October 1, 2017, or for
6 conspiracy or solicitation to commit murder] **FOR THE ACT OF ABUSE THAT LED TO THE**
7 **ISSUANCE OF THE INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER** and the
8 individual has served at least 12 months of the sentence; [and] **OR**

9 2. **A. DURING THE TERM OF THE INTERIM,**
10 **TEMPORARY, OR FINAL PROTECTIVE ORDER, THE INDIVIDUAL COMMITTED AN ACT**
11 **OF ABUSE AGAINST THE PERSON ELIGIBLE FOR RELIEF; AND**

12 **B. THE INDIVIDUAL WAS CONVICTED AND SENTENCED**
13 **TO SERVE A TERM OF IMPRISONMENT OF AT LEAST 5 YEARS FOR THE ACT AND HAS**
14 **SERVED AT LEAST 12 MONTHS OF THE SENTENCE; AND**

15 (iii) the victim of the **ACT OF** abuse **DESCRIBED IN ITEM (II)1 OR 2**
16 **OF THIS PARAGRAPH**, who was the person eligible for relief in the [original final]
17 **INTERIM, TEMPORARY, OR FINAL** protective order, requests the issuance of a [new final]
18 **PERMANENT** protective order **UNDER THIS SUBSECTION.**

19 (2) In a [final] **PERMANENT** protective order issued under this subsection,
20 the court may grant only the relief that was granted in the original protective order under
21 **§ 4–504.1(C)(1) OR (2) OR § 4–505(A)(2)(I) OR (II) OF THIS SUBTITLE OR** subsection
22 (d)(1) or (2) of this section.

23 (3) Unless terminated at the request of the victim, a [final] protective order
24 issued under this subsection shall be permanent.

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