

**Department of Legislative Services**  
 Maryland General Assembly  
 2018 Session

**FISCAL AND POLICY NOTE**  
**Third Reader**

Senate Bill 491

(Senator Kelley, *et al.*)

Judicial Proceedings

Judiciary

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

This bill expands the circumstances under which a court is required to issue a permanent protective order.

**Fiscal Summary**

**State Effect:** General fund expenditures increase by \$19,600 in FY 2019 only, as discussed below. Revenues are not affected.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	19,600	0	0	0	0
Net Effect	(\$19,600)	\$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 affect local finances or operations.

**Small Business Effect:** None.

**Analysis**

**Bill Summary:** The bill repeals provisions that condition eligibility requirements for a permanent final protective order on an individual having been convicted and sentenced only for specified offenses that led to the issuance of a final protective order. Instead, the bill requires the court to issue a permanent protective order against an individual if (1) an interim, temporary, or final protective order has been issued against the individual and (2) the individual was convicted and sentenced to serve a term of imprisonment of at least five years for the act of abuse that led to the issuance of the interim, temporary, or final

protective order or, during the term of the order, the individual committed an act of abuse against the person eligible for relief and was convicted and sentenced to serve a term of imprisonment of at least five years for the act. The individual must have served at least 12 months of the sentence, and the victim of the act of abuse who was the person eligible for relief in the interim, temporary, or final protective order must request issuance of a permanent protective order.

A permanent protective order may contain only the relief that was granted in the original interim, temporary, or final protective 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. The bill repeals references to a new final protective order and instead alters them to permanent protective orders.

**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.

**Background:** According to the 2015 *Uniform Crime Report* (the latest information readily available), 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.

In fiscal 2016 (the latest information readily available), the circuit courts granted 1,784 temporary protective orders and 1,308 final protective orders. In fiscal 2017, the District Court granted 15,257 interim protective orders, 19,688 temporary protective orders, and 8,933 final protective orders. In fiscal 2017, there were four petitions for permanent protective orders.

**State/Local Fiscal Effect:** General fund expenditures increase by \$19,610 in fiscal 2019 only for the Judiciary to make necessary programming changes. Although the bill may result in increased petitions for permanent protective orders, it is not anticipated to materially impact the operations or finances of the District Court, which handles the majority of protective order petitions. It also does not materially impact the workload of the circuit courts. The enforcement of additional permanent protective orders can be handled using existing budgeted resources.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of State Police; Department of Legislative Services

**Fiscal Note History:** First Reader - February 6, 2018  
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Analysis by: Jennifer K. Botts

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510