

HOUSE BILL 122

D1, D4

9lr0504
CF SB 209

By: **Delegates Dumais, ~~Arikan~~, Atterbeary, Barron, Bartlett, Crutchfield, W. Fisher, ~~Cramer~~, Hettleman, Lopez, Malone, ~~McComas~~, Moon, Shetty, and Sydnor**

Introduced and read first time: January 21, 2019

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 22, 2019

CHAPTER _____

1 AN ACT concerning

2 **Protective Orders – Relief Eligibility – Rape and Sexual Offenses**

3 FOR the purpose of removing rape and certain sexual offenses from the list of offenses
4 alleged to have been committed by a certain respondent against a certain victim for
5 which ~~a peace order request or~~ a peace order petition may be filed under certain
6 circumstances; altering the definition of “person eligible for relief” for purposes of
7 certain provisions of law relating to domestic violence protective orders to include an
8 individual who alleges the commission of certain acts against the individual by a
9 certain respondent; and generally relating to peace orders and protective orders.

10 BY repealing and reenacting, with amendments,
11 Article – Courts and Judicial Proceedings
12 Section ~~3-8A-19.1~~ and 3-1503(a)
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2018 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 2018 Supplement)

20 BY repealing and reenacting, with amendments,

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(m)
 3 Annotated Code of Maryland
 4 (2012 Replacement Volume and 2018 Supplement)

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

7 **Article – Courts and Judicial Proceedings**

8 ~~§ 3A-19.1.~~

9 (a) ~~In this section and in §§ 3-8A-19.2, 3-8A-19.3, and 3-8A-19.4 of this subtitle,~~
 10 ~~“victim” means an individual against whom an act described in subsection (b) of this section~~
 11 ~~is committed or alleged to have been committed.~~

12 (b) ~~(1) Except as provided in paragraph (2) of this subsection, after an inquiry~~
 13 ~~conducted in accordance with § 3-8A-10 of this subtitle, an intake officer may file with the~~
 14 ~~court a peace order request that alleges the commission of any of the following acts against~~
 15 ~~a victim by the respondent, if the act occurred within 30 days before the filing of the~~
 16 ~~complaint under § 3-8A-10 of this subtitle:~~

17 ~~(i) An act that causes serious bodily harm;~~

18 ~~(ii) An act that places the victim in fear of imminent serious bodily~~
 19 ~~harm;~~

20 ~~(iii) Assault in any degree;~~

21 ~~(iv) [Rape or sexual offense under §§ 3-303 through 3-308 of the~~
 22 ~~Criminal Law Article or attempted rape or sexual offense in any degree;~~

23 ~~(v) False imprisonment;~~

24 ~~[(vi)] (V) Harassment under § 3-803 of the Criminal Law Article;~~

25 ~~[(vii)] (VI) Stalking under § 3-802 of the Criminal Law Article;~~

26 ~~[(viii)] (VII) Trespass under Title 6, Subtitle 4 of the Criminal Law~~
 27 ~~Article;~~

28 ~~[(ix)] (VIII) Malicious destruction of property under § 6-301 of the~~
 29 ~~Criminal Law Article;~~

30 ~~[(x)] (IX) Misuse of telephone facilities and equipment under~~
 31 ~~§ 3-804 of the Criminal Law Article;~~

1 ~~[(xi)] (X) Misuse of electronic communication or interactive~~
 2 ~~computer service under § 3-805 of the Criminal Law Article;~~

3 ~~[(xii)] (XI) Revenge porn under § 3-809 of the Criminal Law Article;~~

4 ~~or~~

5 ~~[(xiii)] (XII) Visual surveillance under § 3-901, § 3-902, or § 3-903 of~~
 6 ~~the Criminal Law Article.~~

7 ~~(2) After a review conducted in accordance with § 3-8A-10(e)(4)(ii) of this~~
 8 ~~subtitle, the State's Attorney may file with the court a peace order request that meets the~~
 9 ~~requirements of paragraph (1) of this subsection.~~

10 3-1503.

11 (a) (1) A petitioner may seek relief under this subtitle by filing with the court,
 12 or with a commissioner under the circumstances specified in § 3-1503.1(a) of this subtitle,
 13 a petition that alleges the commission of any of the following acts against the petitioner by
 14 the respondent, if the act occurred within 30 days before the filing of the petition:

15 (i) An act that causes serious bodily harm;

16 (ii) An act that places the petitioner in fear of imminent serious
 17 bodily harm;

18 (iii) Assault in any degree;

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

21 (v)] False imprisonment;

22 [(vi)] (V) Harassment under § 3-803 of the Criminal Law Article;

23 [(vii)] (VI) Stalking under § 3-802 of the Criminal Law Article;

24 [(viii)] (VII) Trespass under Title 6, Subtitle 4 of the Criminal Law
 25 Article;

26 [(ix)] (VIII) Malicious destruction of property under § 6-301 of the
 27 Criminal Law Article;

28 [(x)] (IX) Misuse of telephone facilities and equipment under
 29 § 3-804 of the Criminal Law Article;

1 **(I) RAPE OR A SEXUAL OFFENSE UNDER § 3-303, § 3-304, §**
2 **3-307, OR § 3-308 OF THE CRIMINAL LAW ARTICLE; OR**

3 **(II) ATTEMPTED RAPE OR SEXUAL OFFENSE IN ANY DEGREE.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.