

HOUSE BILL 250

D4

0lr2312
CF SB 227

By: **Delegate Atterbeary**

Introduced and read first time: January 17, 2020

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 18, 2020

CHAPTER _____

1 AN ACT concerning

2 ~~Family Law – Final Protective Order~~ **Peace Orders and Protective Orders –**
3 **Extension**

4 FOR the purpose of specifying that, if a petitioner or person eligible for relief files a certain
5 motion to extend the term of a final peace order or final protective order during the
6 term of the order and a hearing on the motion is not held before the order's original
7 expiration date, the order is automatically extended and its terms remain in full force
8 and effect until the hearing on the motion; and generally relating to the extension of
9 final peace orders and final protective orders.

10 BY repealing and reenacting, with amendments,
11 Article – Courts and Judicial Proceedings
12 Section 3–1506
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2019 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Family Law
17 Section 4–507
18 Annotated Code of Maryland
19 (2019 Replacement Volume)

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

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.



Article – Courts and Judicial Proceedings

3–1506.

(a) (1) A peace order may be modified or rescinded during the term of the peace order after:

(i) Giving notice to the petitioner and the respondent; and

(ii) A hearing.

(2) For good cause shown, a judge may extend the term of the peace order for 6 months beyond the period specified in § 3–1505(f) of this subtitle, after:

(i) Giving notice to the petitioner and the respondent; and

(ii) A hearing.

(3) (i) If, during the term of a final peace order, a petitioner files a motion to extend the term of the order under paragraph (2) of this subsection, the court shall hold a hearing on the motion within 30 days after the motion is filed.

(ii) If the hearing on the motion is [scheduled after] **NOT HELD BEFORE** the original expiration date of the final peace order, [the court shall extend the order and keep the] **THE ORDER SHALL BE AUTOMATICALLY EXTENDED AND THE** terms of the order **SHALL REMAIN** in full force and effect until the hearing on the motion.

(b) (1) If a District Court judge grants or denies relief under a petition filed under this subtitle, a respondent or a petitioner may appeal to the circuit court for the county where the District Court is located.

(2) An appeal taken under this subsection to the circuit court shall be heard de novo in the circuit court.

(3) (i) If an appeal is filed under this subsection, the District Court judgment shall remain in effect until superseded by a judgment of the circuit court.

(ii) Unless the circuit court orders otherwise, modification or enforcement of the District Court order shall be by the District Court.

Article – Family Law

4–507.

(a) (1) A protective order may be modified or rescinded during the term of the protective order after:

1 (i) giving notice to all affected persons eligible for relief and the
2 respondent; and

3 (ii) a hearing.

4 (2) For good cause shown, a judge may extend the term of the protective
5 order for 6 months beyond the period specified in § 4-506(j) of this subtitle, after:

6 (i) giving notice to all affected persons eligible for relief and the
7 respondent; and

8 (ii) a hearing.

9 (3) (i) Subject to subparagraph (ii) of this paragraph, a judge may
10 extend the term of a protective order for a period not to exceed 2 years from the date the
11 extension is granted if:

12 1. during the term of the protective order, the judge finds by
13 a preponderance of the evidence that the respondent named in the protective order has
14 committed a subsequent act of abuse against a person eligible for relief named in the
15 protective order; or

16 2. the respondent named in the protective order consents to
17 the extension of the protective order.

18 (ii) The judge may extend the term of the protective order under
19 subparagraph (i) of this paragraph after:

20 1. giving notice to all affected persons eligible for relief and
21 the respondent; and

22 2. a hearing.

23 (iii) In determining the period of extension of a protective order under
24 subparagraph (i)1 of this paragraph, the judge shall consider the following factors:

25 1. the nature and severity of the subsequent act of abuse;

26 2. the history and severity of abuse in the relationship
27 between the respondent and any person eligible for relief named in the protective order;

28 3. the pendency and type of criminal charges against the
29 respondent; and

30 4. the nature and extent of the injury or risk of injury caused
31 by the respondent.

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1 (4) (i) If, during the term of a final protective order, a petitioner or
 2 person eligible for relief files a motion to extend the term of the order under paragraph (2)
 3 or (3) of this subsection, the court shall hold a hearing on the motion within 30 days after
 4 the motion is filed.

5 (ii) If the hearing on the motion is [scheduled after] **NOT HELD**
 6 **BEFORE** the original expiration date of the final protective order, [the court shall extend
 7 the order and keep the] **THE ORDER SHALL BE AUTOMATICALLY EXTENDED AND THE**
 8 terms of the order **SHALL REMAIN** in full force and effect until the hearing on the motion.

9 (b) (1) If a District Court judge grants or denies relief under a petition filed
 10 under this subtitle, a respondent, any person eligible for relief, or a petitioner may appeal
 11 to the circuit court for the county where the District Court is located.

12 (2) An appeal taken under this subsection to the circuit court shall be heard
 13 de novo in the circuit court.

14 (3) If an appeal is filed under this subsection, the District Court judgment
 15 shall remain in effect until superseded by a judgment of the circuit court. Unless the circuit
 16 court orders otherwise, modification or enforcement of the District Court order shall be by
 17 the District Court.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 19 October 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.