

SENATE BILL 1071

D3, D4

0lr3762

By: **Senator Carter**

Introduced and read first time: February 28, 2020

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Peace Orders and Protective Orders – Study**

3 FOR the purpose of requiring the Department of Legislative Services to study and make
4 recommendations on the procedures for obtaining and the effectiveness of peace
5 orders and protective orders issued in the State; requiring the Department to solicit
6 certain input; requiring the Department to report its findings and recommendations
7 to the Governor and the General Assembly on or before a certain date; and generally
8 relating to peace orders and protective orders.

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
10 That:

11 (a) The Department of Legislative Services shall study the process for obtaining
12 and the effectiveness of issued peace orders and protective orders in the State.

13 (b) In conducting the study, the Department shall:

14 (1) examine the process for procuring a peace order or a protective order,
15 specifically evaluating:

16 (i) whether individuals eligible for relief are discouraged from filing
17 a petition for a peace order or protective order because of procedural difficulties; and

18 (ii) whether individuals eligible for relief have an adequate
19 understanding of the process, including an understanding of the differences between a
20 peace order and a protective order;

21 (2) assess the effectiveness of peace orders and protective orders in
22 protecting individuals, paying special attention to:

23 (i) the rate of compliance by respondents with peace orders and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 protective orders;

2 (ii) the effectiveness of the remedies available to an individual
3 granted a peace order or a protective order when a respondent does not comply with the
4 order; and

5 (iii) whether the issuance of a peace order or a protective order is
6 effective in preventing the reoccurrence of the conduct that led to the issuance of the order;
7 and

8 (3) make recommendations regarding potential statutory changes to
9 improve the effectiveness of peace orders and protective orders in the State, paying special
10 attention to whether:

11 (i) combining peace orders and protective orders into a single
12 process would reduce confusion or increase the effectiveness of an order issued by the court
13 prohibiting contact with an individual; and

14 (ii) current prohibitions on stalking, assault, and harassment could
15 be better enforced to achieve the results sought by peace orders and protective orders.

16 (c) In conducting the study, the Department shall solicit input from:

17 (1) academic experts;

18 (2) individuals who have previously taken part in peace order and
19 protective order proceedings; and

20 (3) advocates on behalf of petitioners and respondents in peace order and
21 protective order proceedings.

22 (d) On or before December 31, 2020, the Department shall report its findings and
23 recommendations to the Governor and, in accordance with § 2-1257 of the State
24 Government Article, the General Assembly.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
26 1, 2020.