

Department of Legislative Services
 Maryland General Assembly
 2021 Session

FISCAL AND POLICY NOTE
 Enrolled - Revised

House Bill 289
 Judiciary

(Delegate Atterbeary)

Judicial Proceedings

Peace Orders - Workplace Violence

This bill authorizes an employer to file a petition for a peace order that alleges the commission of specified acts against the petitioner’s employee at the employee’s workplace. The employer must notify the employee before filing for the peace order. It extends most existing statutory provisions relating to the filing, issuance, and modification of peace orders, as well as the shielding of related court records, to peace orders filed by employers on this basis. An employer may not retaliate against an employee who does not provide information for or testify at a peace order proceeding. An employer is immune from any civil liability that may result from the failure of the employer to file a petition for a peace order on behalf of an employee; however, on October 1, 2023, this immunity provision terminates and is no longer applicable.

Fiscal Summary

State Effect: General fund expenditures for the Judiciary increase by \$130,200 in FY 2022 only for programming changes. It is anticipated that revenues are not materially affected.

(in dollars)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	130,200	0	0	0	0
Net Effect	(\$130,200)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not anticipated to materially affect local operations or finances.

Small Business Effect: Minimal.

Analysis

Current Law: An individual who does not meet specified relationship requirements under the domestic violence protective order statutes may file a petition for a peace order with the District Court or the District Court commissioner that alleges the commission of specified acts against the petitioner by the respondent, if the act occurred within 30 days before the filing of the petition. Such acts include an act that causes serious bodily harm, an act that places the petitioner in fear of imminent serious bodily harm, harassment, stalking, trespass, and malicious destruction of property.

After a final peace order hearing, if a judge finds by a preponderance of the evidence that the respondent has committed, and is likely to commit in the future, one of the specified acts against the petitioner, or if the respondent consents to the entry of a peace order, the court may issue a final peace order to protect the petitioner. The order must contain only the relief that is minimally necessary to protect the petitioner. A final peace order can order the respondent to (1) refrain from committing or threatening to commit specified acts; (2) refrain from contacting, attempting to contact, or harassing the petitioner; (3) refrain from entering the residence of the petitioner; or (4) remain away from the place of employment, school, or temporary residence of the petitioner. Final peace orders can also direct the respondent or petitioner to participate in counseling or mediation and order either party to pay filing fees and costs. Relief granted in a final peace order is effective for the period stated in the order but may not exceed six months. Statutory provisions set forth circumstances under which a final peace order may be modified, rescinded, or extended.

An individual who fails to comply with specified provisions of an interim, temporary, or final peace order is guilty of a misdemeanor and subject to maximum penalties of a \$1,000 fine and/or 90 days imprisonment for a first offense and a \$2,500 fine and/or one year imprisonment for a second or subsequent offense.

Statutory provisions set forth a process by which court records regarding peace order proceedings may be shielded.

State Revenues: Any potential minimal increase in general fund revenues from the filing of additional peace orders is not anticipated to materially impact State finances, as the number of additional petitioners generated by the bill is likely to be minimal.

State Expenditures: General fund expenditures increase by \$130,158 in fiscal 2022 only for the Judiciary to make necessary programming changes. Otherwise, although the bill may minimally increase the number of peace order petitions filed, it is not anticipated to materially affect the workload of the District Court.

Local Revenues: Any potential minimal increase in local revenues increase from fees associated with the service of additional peace orders is not anticipated to materially impact local finances.

Local Expenditures: It is anticipated that local law enforcement can use existing resources to serve any additional peace orders.

Additional Information

Prior Introductions: Similar legislation has been introduced in prior sessions. HB 126 of 2020, as amended, passed the House and passed second reading in the Senate with amendments. Its cross file, SB 846, passed second reading in the Senate with amendments. HB 640 of 2019 passed the House as amended but received an unfavorable report from the Senate Judicial Proceedings Committee. Its cross file, SB 555, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Designated Cross File: SB 105 (Senator Sydnor) - Judicial Proceedings.

Information Source(s): Harford, Montgomery, and Wicomico counties; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - January 12, 2021
an/lgc Third Reader - February 12, 2021
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