

SENATE BILL 743

D4

4lr3149
CF HB 745

By: **Senator Waldstreicher**

Introduced and read first time: January 31, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Protective Orders – Crimes of Violence and Stalking**

3 FOR the purpose of adding stalking to the list of offenses for which a certain individual
4 may petition for a protective order; altering certain provisions of law relating to the
5 issuance of a permanent protective order; and generally relating to protective orders.

6 BY repealing and reenacting, with amendments,
7 Article – Family Law
8 Section 4–501(m)
9 Annotated Code of Maryland
10 (2019 Replacement Volume and 2023 Supplement)

11 BY repealing
12 Article – Family Law
13 Section 4–506(k)
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2023 Supplement)

16 BY adding to
17 Article – Family Law
18 Section 4–506(k)
19 Annotated Code of Maryland
20 (2019 Replacement Volume and 2023 Supplement)

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

23 **Article – Family Law**

24 4–501.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (m) "Person eligible for relief" includes:
- 2 (1) the current or former spouse of the respondent;
- 3 (2) a cohabitant of the respondent;
- 4 (3) a person related to the respondent by blood, marriage, or adoption;
- 5 (4) a parent, stepparent, child, or stepchild of the respondent or the person
6 eligible for relief who resides or resided with the respondent or person eligible for relief for
7 at least 90 days within 1 year before the filing of the petition;
- 8 (5) a vulnerable adult;
- 9 (6) an individual who has a child in common with the respondent;
- 10 (7) an individual who has had a sexual relationship with the respondent
11 within 1 year before the filing of the petition; and
- 12 (8) an individual who alleges that the respondent committed, within 6
13 months before the filing of the petition, any of the following acts against the individual:
- 14 (i) rape or a sexual offense under § 3-303, § 3-304, § 3-307, or §
15 3-308 of the Criminal Law Article; **[or]**
- 16 (ii) attempted rape or sexual offense in any degree; **OR**
- 17 **(III) STALKING UNDER § 3-802 OF THE CRIMINAL LAW ARTICLE.**
- 18 4-506.
- 19 **[(k) (1) Notwithstanding any other provision of this section, the court shall**
20 **issue a permanent protective order under this subsection against an individual if:**
- 21 (i) an interim, temporary, or final protective order has been issued
22 under this subtitle against the individual;
- 23 (ii) 1. the individual was convicted and sentenced to serve a term
24 of imprisonment of at least 5 years for the act of abuse that led to the issuance of the
25 interim, temporary, or final protective order and the individual has served at least 12
26 months of the sentence; or
- 27 2. A. during the term of the interim, temporary, or final
28 protective order, the individual committed an act of abuse against the person eligible for
29 relief; and

1 B. the individual was convicted and sentenced to serve a term
2 of imprisonment of at least 5 years for the act and has served at least 12 months of the
3 sentence; and

4 (iii) the victim of the act of abuse described in item (ii)1 or 2 of this
5 paragraph, who was the person eligible for relief in the interim, temporary, or final
6 protective order, requests the issuance of a permanent protective order under this
7 subsection.

8 (2) In a permanent protective order issued under this subsection, the court
9 may grant only the relief that was granted in the original protective order under §
10 4–504.1(c)(1) or (2) or § 4–505(a)(2)(i) or (ii) of this subtitle or subsection (d)(1) or (2) of this
11 section.

12 (3) Unless terminated at the request of the victim, a protective order issued
13 under this subsection shall be permanent.]

14 **(K) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
15 THE COURT SHALL ISSUE A PERMANENT PROTECTIVE ORDER UNDER THIS
16 SUBSECTION AGAINST AN INDIVIDUAL IF:**

17 **(I) AN INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER
18 HAS BEEN ISSUED UNDER THIS SUBTITLE AGAINST THE INDIVIDUAL;**

19 **(II) THE INDIVIDUAL WAS CONVICTED OF EITHER A CRIME OF
20 VIOLENCE, AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE, OR STALKING
21 UNDER § 3–802 OF THE CRIMINAL LAW ARTICLE FOR THE ACT OF ABUSE THAT LED
22 TO THE ISSUANCE OF THE INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER;
23 AND**

24 **(III) THE VICTIM OF THE ACT OF ABUSE DESCRIBED IN ITEM (II)
25 OF THIS PARAGRAPH, WHO WAS THE PERSON ELIGIBLE FOR RELIEF IN THE INTERIM,
26 TEMPORARY, OR FINAL PROTECTIVE ORDER, REQUESTS ISSUANCE OF A PERMANENT
27 PROTECTIVE ORDER.**

28 **(2) IN A PERMANENT PROTECTIVE ORDER ISSUED UNDER THIS
29 SUBSECTION, THE COURT MAY GRANT ONLY THE RELIEF THAT WAS GRANTED IN THE
30 ORIGINAL PROTECTIVE ORDER UNDER § 4–504.1(C)(1) OR (2) OR § 4–505(A)(2)(I)
31 OR (II) OF THIS SUBTITLE OR SUBSECTION (D)(1) OR (2) OF THIS SECTION.**

32 **(3) UNLESS TERMINATED AT THE REQUEST OF THE VICTIM, A
33 PROTECTIVE ORDER ISSUED UNDER THIS SUBSECTION SHALL BE PERMANENT.**

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2024.