
BILL NO: Senate Bill 743
TITLE: Family Law - Protective Orders - Crimes of Violence and Stalking
COMMITTEE: Judicial Proceedings
HEARING DATE: February 20, 2024
POSITION: **SUPPORT WITH AMENDMENTS**

Senate Bill 743 would have moved stalking by non-intimate partners from the Peace Order into the Protection Order. In addition, it would revamp the Permanent Protection Order law, allowing for a more robust ability to obtain a permanent order of protection. As originally crafted, the Women's Law Center (WLC) would have had to oppose the bill in concept and due to some drafting errors. However, we understand there are sponsor amendments that vastly improve the original iteration. We support SB 743 with amendments (and the bill name is no longer any description at all of what the bill would do).

Maryland has two types of civil orders to provide safety to victims - protection orders, and peace orders. Over many years, this legislative body has honed the Protection Order statute so that it is largely available to people identified by specific, mostly familial relationships, while peace orders are now for people experiencing difficulty with someone with whom they have no specific relationship (e.g. neighbors, bar fights, no sexual relationship, etc.). This separation has been vital for the almost entirely self-represented victims seeking redress in the court system through one of these forms of relief. It creates predictability in which order to seek when going to court for the temporary order of protection. In addition, the protection order offers relief that is compatible with these relationships that are not relevant or necessary in the peace order scenario. As amended, SB 743 would keep this valuable distinction, and not risk diluting the protection order statute to the detriment of victims of intimate partner violence and sexual assault.

We recognize that for some people the peace order is of too short a duration or does not provide the safety people are seeking and deserve. The amendments would allow victims of non-intimate partner stalking to obtain a peace order for a year, rather than the current 6 months only. In addition, it would give the court the discretion to order the surrender of guns if the facts presented make that an important form of relief. This is an appropriate balance of peoples' safety versus the Second Amendment.

More importantly for our clients, as amended, SB 743 would make much needed changes to the current permanent protection order statute. The current law makes it extremely difficult for almost anyone to obtain a permanent protection order (which did and still will grant only the "stay away, no contact" portion of the protection order). We support the idea that in some cases the court should be required to grant a permanent protection or peace order, while in others, the court can exercise discretion about whether or not to grant the permanent order.

For all these reasons we support SB 743 as amended and urge a favorable report.