

MARYLAND REGISTER

**Proposed Action on Regulations**

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	10/03/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 10/31/2014**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

01 04 04 01 - 06

**3. Name of Promulgating Authority**

Governor's Office of Crime Control and Prevention

**4. Name of Regulations Coordinator**

Alexandra F Staropoli

**Telephone Number**

410-821-2855

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**5. Name of Person to Call About this Document**

Alexandra Staropoli

**Telephone No.**

410-821-2855

**Email Address**

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**6. Check applicable items:**

- New Regulations

Amendments to Existing Regulations

    Date when existing text was downloaded from COMAR online: .

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

:                      Md. R  
(vol.) (issue)                      (page nos)                      (date)

Under Maryland Register docket no.: --P.

**7. Is there emergency text which is identical to this proposal:**

Yes - No

**8. Incorporation by Reference**

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

**9. Public Body - Open Meeting**

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

**10. Children's Environmental Health and Protection**

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

**11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Karl Pothier, Assistant Attorney General, (telephone #410-230-3138) on 10/3/2014. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Edward Parker

**Title**

Deputy Director

**Telephone No.**

410-821-2828

**Date**

10/3/2014

**Title 01**  
**EXECUTIVE DEPARTMENT**

**Subtitle 04 OFFICE OF CRIME CONTROL AND PREVENTION**

**01.04.04 Online Access to Records of Shielded Peace and Protective Orders**

Authority: Courts and Judicial Proceedings Article, § 3-1510; Family Law Article, § 4-512; Annotated Code of Maryland

**Notice of Proposed Action**

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The Office of Crime Control and Prevention proposes to adopt new regulations .01 - .06 under COMAR 01.04.04 Online Access to Records of Shielded Peace and Protective Orders.

**Statement of Purpose**

The purpose of this action is to bring the Office's regulations into line with recent statutory enactments. Under Courts and Judicial Proceedings Article, § 3-1510; Family Law Article, § 4-512; Annotated Code of Maryland, the Office of Crime Control and Prevention is responsible for authorizing nonprofits or governmental organizations so they may be eligible to have online access to records of otherwise shielded peace orders and protective orders. These regulations set forth the process by which the Office will authorize organizations, the process to obtain online access, and the process by which the Office may suspend or revoke authorization.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Alexandra Staropoli, Senior Policy and Legislative Analyst, Office of Crime Control and Prevention, 300 E. Joppa Road, Suite 1105, Baltimore, Maryland 21286, or call 410-821-2855, or email to [astaropoli@goccp.state.md.us](mailto:astaropoli@goccp.state.md.us), or

fax to . Comments will be accepted through December 1, 2014. A public hearing has not been scheduled.

### **Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

No funding sources are necessary to implement these regulations.

E. If these regulations have no economic impact under Part A, indicate reason briefly:

An existing employee will oversee the process outlined by the proposed regulations.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

The regulations have no economic impact on small businesses because they only impact the operations of state government.

G. Small Business Worksheet:

Attached Document:

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## **Title 01 EXECUTIVE DEPARTMENT**

### **Subtitle 04 OFFICE OF CRIME CONTROL AND PREVENTION**

#### **Chapter 04 Online Access to Records of Shielded Peace and Protective Orders**

Authority: Courts and Judicial Proceedings Article, § 3-1510; Family Law Article, § 4-512; Annotated Code of Maryland

##### **.01 Purpose.**

The purpose of the regulations set forth in this chapter is to set forth guidelines for the process by which a nonprofit or governmental organization shall be eligible and authorized to have online access to records of otherwise shielded peace orders and protective orders.

##### **.02 Definitions.**

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.

(1) "Central Repository" means the Domestic Violence Central Repository, an electronic database maintained by the Judicial Information System of the Administrative Office of the Courts.

(2) "Office" means the Governor's Office of Crime Control and Prevention.

(3) "Organization" means a nonprofit or governmental entity or agency that may be authorized under this chapter to have online access to records of otherwise shielded peace orders or protective orders.

(4) "Peace order" means either an interim peace order issued by a district court commissioner or a temporary or final peace order issued by a court under Subtitle 15 of Title 3 of the Courts and Judicial Proceedings Article, Annotated Code of Maryland.

(5) "Protective order" means a temporary or final protective order issued by a court under Subtitle 5 of Title 4 of the Family Law Article, Annotated Code of Maryland.

(6) "Victim services provider" means an organization that has been authorized by the Office to have online access to records of otherwise shielded peace orders or protective orders.

### **.03 Eligibility.**

A. Organizations eligible to be victim services providers include:

(1) State-designated domestic violence shelters;

(2) full service rape crisis centers; and

(3) Maryland Legal Services Corporation grantees identified by the Maryland Network Against Domestic Violence or the Maryland Coalition Against Sexual Assault as entities that provide services to victims.

B. An organization not otherwise eligible to be a victim services provider under subsection A in this regulation may be deemed by the Office, in the exercise of its discretion, to be eligible.

C. In determining eligibility under B. of this regulation, the Office shall consider any information it believes relevant, including the organization's:

(1) history of providing assistance to victims of domestic violence;

(2) experiences and current practices relating to the handling of confidential information;

(3) proffered reasons for online access; and

(4) recommendations for online access from victim services providers or State agencies.

### **.04 Authorization.**

A. An eligible organization seeking initial or continued online access to Central Repository records of peace orders and protective orders shall submit an application to the Office. The Office shall develop a form appropriate for this purpose, which at a minimum shall require the applicant to:

(1) disclose fully its internal policies, procedures, and training practices relating to its employees' and representatives' handling of confidential information;

(2) agree to advise the Office immediately whenever it becomes aware of any facts evidencing a misuse of online access by its employees or representatives; and

(3) agree to cooperate fully with the Office and the Administrative Office of the Courts whenever either agency seeks information relating to an alleged misuse of online access by the applicant's employees or representatives.

B. The Office will review each application and determine whether it shall authorize the requested access. In making its authorization determination, the Office shall consider the materials submitted in support of the application, as well as any other relevant information, including that referenced in Regulation 03. of this chapter.

C. If the Office determines that an applicant-organization shall be authorized to have online access to Central Repository records of peace orders and protective orders, the Office shall certify that organization as a victim services provider. The Office shall promptly notify the applicant-organization and the Administrative Office of the Courts of the certification.

(1) Certification shall be effective upon the issuance of the notification to the applicant-organization and the Administrative Office of the Courts and, unless rescinded and revoked, shall remain in effect for three years from that date.

(2) A certification is non-transferable to any other organization.

D. If the Office determines that an applicant-organization shall not be authorized to have online access to records of peace orders and protective orders, the Office shall not certify that organization as a victim services provider.

(1) The Office shall promptly notify such an applicant-organization and the Administrative Office of the Courts of its determination, and it shall include in its notification the basis for its decision.

(2) An organization may seek administrative review of the determination under D.(1) as provided in Regulation .06B of this chapter.

### **.05 Online Access.**

A. Upon receipt of notification from the Office that an organization is a victim services provider, the Administrative Office of the Courts shall provide that organization with online access to otherwise shielded peace orders and protective orders.

B. The Administrative Office of the Courts shall administer the access so conferred in whatever manner it deems reasonably, necessary and appropriate.

**.06 Suspension or Revocation of Authorization.**

A. Should the Office become aware of any facts or circumstances evidencing either a victim services provider's misuse of its online access or a victim services provider's failure to cooperate with the Office or the Administrative Office of the Courts, the Office may take whatever action it deems necessary and appropriate, including suspending or revoking that organization's authorization and certification.

(1) The Office shall immediately notify the Administrative Office of the Courts of any change to an organization's status as a victim services provider.

B. An organization that is denied authorization or whose authorization is suspended or revoked may seek reconsideration of that action by filing a request with the Office within thirty (30) days of the Office's action.

(1) No later than 45 days after its receipt of a request, the Office will advise the organization of its final determination.

C. An organization whose authorization is revoked by the Office may re-apply for authorization no earlier than one year from the date of revocation, unless the Office determines that a longer or shorter duration is appropriate, in which circumstance the different length of time set by the Office controls.