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**By: Delegates Mossburg and Grosfeld**

Introduced and read first time: January 24, 1996

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Protective Orders - Alarms for Victims**

3 FOR the purpose of providing that certain money collected for a fine imposed upon  
4 conviction or upon a finding of contempt for violation of a protective order of  
5 violating a certain ex parte order or a certain protective order maybe used to  
6 provide a certain type of alarm for the victim of the abuse.

7 BY repealing and reenacting, without amendments,  
8 Article - Family Law  
9 Section 4-505(a) and 4-506(d)(1) through (5)  
10 Annotated Code of Maryland  
11 (1991 Replacement Volume and 1995 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article - Family Law  
14 Section 4-509  
15 Annotated Code of Maryland  
16 (1991 Replacement Volume and 1995 Supplement)

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

19 **Article - Family Law**

20 4-505.

21 (a) (1) If a petition is filed under this subtitle and the court finds that there are  
22 reasonable grounds to believe that a person eligible for relief has been abused, the court,  
23 in an ex parte proceeding, may enter a temporary order to protect any person eligible for  
24 relief from abuse.

25 (2) The temporary ex parte order may order any or all of the following  
26 relief:

27 (i) order the respondent to refrain from further abuse or threats of  
28 abuse of a person eligible for relief;

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1 (ii) order the respondent to refrain from contacting, attempting to  
2 contact, or harassing any person eligible for relief;

3 (iii) order the respondent to refrain from entering the residence of a  
4 person eligible for relief;

5 (iv) where the person eligible for relief and the respondent are residing  
6 together at the time of the alleged abuse, order the respondent to vacate the home  
7 immediately and award temporary use and possession of the home to the person eligible  
8 for relief or in the case of alleged abuse of a child or alleged abuse of a vulnerable adult,  
9 award temporary use and possession of the home to an adult living in the home, provided  
10 that the court may not grant an order to vacate and award temporary use and possession  
11 of the home to a nonspouse person eligible for relief unless the name of the person  
12 eligible for relief appears on the lease or deed to the home or the person eligible for relief  
13 has resided in the home with the respondent for a period of at least 90 days within 1 year  
14 before the filing of the petition;

15 (v) order the respondent to remain away from the place of  
16 employment, school, or temporary residence of a person eligible for relief or home of  
17 other family members; and

18 (vi) award temporary custody of a minor child of the person eligible for  
19 relief and the respondent.

20 4-506.

21 (d) The protective order may include any or all of the following relief:

22 (1) order the respondent to refrain from abusing or threatening to abuse any  
23 person eligible for relief;

24 (2) order the respondent to refrain from contacting, attempting to contact,  
25 or harassing any person eligible for relief;

26 (3) order the respondent to refrain from entering the residence of any  
27 person eligible for relief;

28 (4) where the person eligible for relief and the respondent are residing  
29 together at the time of the abuse, order the respondent to vacate the home immediately  
30 and award temporary use and possession of the home to the person eligible for relief or,  
31 in the case of alleged abuse of a child or alleged abuse of a vulnerable adult, award  
32 temporary use and possession of the home to an adult living in the home, provided that  
33 the court may not grant an order to vacate and award temporary use and possession of the  
34 home to a nonspouse person eligible for relief unless the name of the person eligible for  
35 relief appears on the lease or deed to the home or the person eligible for relief has shared  
36 the home with the respondent for a period of at least 90 days within 1 year before the  
37 filing of the petition;

38 (5) order the respondent to remain away from the place of employment,  
39 school, or temporary residence of a person eligible for relief or home of other family  
40 members;

1 4-509.

2 (a) A person who fails to comply with the relief granted in an ex parte order  
3 under § 4-505(a)(2)(i), (ii), (iii), (iv), or (v) of this subtitle or in a protective order under  
4 § 4-506(d)(1), (2), (3), (4), or (5) of this subtitle is guilty of a misdemeanor and on  
5 conviction is subject, for each offense, to a fine not exceeding \$500 or imprisonment not  
6 exceeding 90 days or both.

7 (b) An officer shall arrest with or without a warrant and take into custody a  
8 person whom the officer has probable cause to believe is in violation of an ex parte order  
9 or protective order in effect at the time of the violation.

10 (C) THE MONEY COLLECTED FROM THE FINE IMPOSED IN SUBSECTION (A) OF  
11 THIS SECTION MAY BE USED TO PROVIDE THE VICTIM OF THE ABUSE WITH AN  
12 ALARM DEVICE THAT WILL ENABLE THE VICTIM TO IMMEDIATELY NOTIFY A LAW  
13 ENFORCEMENT OFFICER THAT THE VICTIM IS IN DANGER FROM THE ABUSER.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 1996.