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Introduced and read first time: January 25, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence - Enforcement of Out-of-State Protection Orders**

3 FOR the purpose of requiring that certain protection orders issued by courts of other
4 states or Indian tribes be accorded full faith and credit by a court of this State and
5 enforced as orders of this State under certain circumstances; providing certain
6 exceptions; defining a certain term; requiring a law enforcement officer to arrest
7 and take into custody a person whom the officer has probable cause to believe is in
8 violation of a protection order issued by a court of another state or an Indian tribe;
9 and generally relating to enforcement of protection orders issued by courts of other
10 states and Indian tribes.

11 BY adding to

12 Article - Family Law

13 Section 4-508.1

14 Annotated Code of Maryland

15 (1991 Replacement Volume and 1995 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

17 MARYLAND, That the Laws of Maryland read as follows:

18 4-508.1

19 (A) (1) IN THIS SECTION, "PROTECTION ORDER" MEANS AN INJUNCTION OR
20 OTHER ORDER ISSUED FOR THE PURPOSE OF PREVENTING VIOLENT OR
21 THREATENING ACTS OR HARASSMENT AGAINST, CONTACT OR COMMUNICATION
22 WITH, OR PHYSICAL PROXIMITY TO ANOTHER PERSON.

23 (2) "PROTECTION ORDER" INCLUDES A TEMPORARY OR FINAL ORDER:

24 (I) ISSUED BY:

25 1. A CIVIL COURT IN RESPONSE TO A COMPLAINT, PETITION,
26 OR MOTION FILED BY OR ON BEHALF OF A PERSON SEEKING PROTECTION; OR

2

1 2. A CRIMINAL COURT; AND

2 (II) OBTAINED BY FILING AN INDEPENDENT ACTION OR AS A
3 PENDENTE LITE ORDER IN ANOTHER PROCEEDING.

4 (3) "PROTECTION ORDER" DOES NOT INCLUDE A SUPPORT OR CHILD
5 CUSTODY ORDER.

6 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
7 PROTECTION ORDER ISSUED BY A COURT OF ANOTHER STATE OR AN INDIAN TRIBE
8 SHALL BE ACCORDED FULL FAITH AND CREDIT BY A COURT OF THIS STATE AND
9 ENFORCED AS IF IT WERE AN ORDER OF THIS STATE IF:

10 (1) THE COURT THAT ISSUED THE ORDER HAD JURISDICTION OVER
11 THE PARTIES AND SUBJECT MATTER UNDER THE LAW OF THAT STATE OR INDIAN
12 TRIBE; AND

13 (2) REASONABLE NOTICE AND OPPORTUNITY TO BE HEARD WAS GIVEN
14 TO THE PERSON AGAINST WHOM THE ORDER WAS SOUGHT SUFFICIENT TO
15 PROTECT THAT PERSON'S RIGHT TO DUE PROCESS.

16 (C) A PROTECTION ORDER ISSUED BY A STATE OR TRIBAL COURT AGAINST A
17 PERSON WHO HAS PETITIONED, FILED A COMPLAINT, OR OTHERWISE FILED A
18 WRITTEN PLEADING FOR PROTECTION AGAINST ABUSE IS NOT ENTITLED TO FULL
19 FAITH AND CREDIT IF:

20 (1) A CROSS OR COUNTER PETITION, COMPLAINT, OR OTHER WRITTEN
21 PLEADING SEEKING A PROTECTION ORDER WAS NOT FILED; OR

22 (2) A CROSS OR COUNTER PETITION WAS FILED AND THE COURT DID
23 NOT MAKE SPECIFIC FINDINGS THAT EACH PARTY WAS ENTITLED TO A PROTECTION
24 ORDER.

25 (D) A LAW ENFORCEMENT OFFICER SHALL ARREST WITH OR WITHOUT A
26 WARRANT AND TAKE INTO CUSTODY A PERSON WHOM THE OFFICER HAS
27 PROBABLE CAUSE TO BELIEVE IS IN VIOLATION OF A PROTECTION ORDER THAT
28 WAS ISSUED BY A COURT OF ANOTHER STATE OR AN INDIAN TRIBE AND IS IN
29 EFFECT AT THE TIME OF THE VIOLATION.

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