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Introduced and read first time: January 25, 1996

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 1996

CHAPTER _____

1 AN ACT concerning

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

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

12 BY adding to

13 Article - Family Law

14 Section 4-508.1

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 4-508.1

20 (A) ~~(1) IN THIS SECTION, "PROTECTION ORDER" MEANS AN INJUNCTION OR~~
21 ~~OTHER ORDER ISSUED FOR THE PURPOSE OF PREVENTING VIOLENT OR~~

2

1 ~~THREATENING ACTS OR HARASSMENT AGAINST, CONTACT OR COMMUNICATION~~
2 ~~WITH, OR PHYSICAL PROXIMITY TO ANOTHER PERSON.~~

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

4 ~~(I) ISSUED BY:~~

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

7 ~~2. A CRIMINAL COURT; AND~~

8 ~~(II) OBTAINED BY FILING AN INDEPENDENT ACTION OR AS A~~
9 ~~PENDENTE LITE ORDER IN ANOTHER PROCEEDING.~~

10 ~~(3) "PROTECTION ORDER" DOES NOT INCLUDE A SUPPORT OR CHILD~~
11 ~~CUSTODY ORDER.~~

12 ~~(B) (A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A~~
13 ~~PROTECTION A PROTECTIVE ORDER ISSUED BY A COURT OF ANOTHER STATE OR~~
14 ~~AN INDIAN TRIBE SHALL BE ACCORDED FULL FAITH AND CREDIT BY A COURT OF~~
15 ~~THIS STATE AND ENFORCED AS IF IT WERE AN ORDER OF THIS STATE IF:~~

16 ~~(1) THE COURT THAT ISSUED THE ORDER HAD JURISDICTION OVER~~
17 ~~THE PARTIES AND SUBJECT MATTER UNDER THE LAW OF THAT STATE OR INDIAN~~
18 ~~TRIBE; AND~~

19 ~~(2) REASONABLE NOTICE AND OPPORTUNITY TO BE HEARD WAS GIVEN~~
20 ~~TO THE PERSON AGAINST WHOM THE ORDER WAS SOUGHT SUFFICIENT TO~~
21 ~~PROTECT THAT PERSON'S RIGHT TO DUE PROCESS.~~

22 ~~(C) A PROTECTION ORDER ISSUED BY A STATE OR TRIBAL COURT AGAINST A~~
23 ~~PERSON WHO HAS PETITIONED, FILED A COMPLAINT, OR OTHERWISE FILED A~~
24 ~~WRITTEN PLEADING FOR PROTECTION AGAINST ABUSE IS NOT ENTITLED TO FULL~~
25 ~~FAITH AND CREDIT IF:~~

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

28 ~~(2) A CROSS OR COUNTER PETITION WAS FILED AND THE COURT DID~~
29 ~~NOT MAKE SPECIFIC FINDINGS THAT EACH PARTY WAS ENTITLED TO A PROTECTION~~
30 ~~ORDER. SHALL BE ENFORCED ONLY TO THE EXTENT THAT THE ORDER AFFORDS~~
31 ~~RELIEF THAT IS PERMITTED UNDER § 4-506(D) OF THIS SUBTITLE.~~

32 ~~(D) (B) A LAW ENFORCEMENT OFFICER SHALL ARREST WITH OR WITHOUT~~
33 ~~A WARRANT AND TAKE INTO CUSTODY A PERSON WHOM THE OFFICER HAS~~
34 ~~PROBABLE CAUSE TO BELIEVE IS IN VIOLATION OF A PROTECTION PROTECTIVE~~
35 ~~ORDER THAT WAS ISSUED BY A COURT OF ANOTHER STATE OR AN INDIAN TRIBE~~
36 ~~AND IS IN EFFECT AT THE TIME OF THE VIOLATION IF THE PERSON SEEKING THE~~
37 ~~ASSISTANCE OF THE LAW ENFORCEMENT OFFICER:~~

38 ~~(1) HAS FILED WITH THE DISTRICT COURT OR CIRCUIT COURT FOR THE~~
39 ~~JURISDICTION IN WHICH THE PERSON SEEKS ASSISTANCE A COPY OF THE ORDER~~

3

1 THAT IS AUTHENTICATED IN ACCORDANCE WITH AN ACT OF CONGRESS OR
2 STATUTE OF THE ISSUING STATE; OR

3 (2) DISPLAYS OR PRESENTS TO THE LAW ENFORCEMENT OFFICER A
4 COPY OF THE ORDER THAT IS AUTHENTICATED IN ACCORDANCE WITH AN ACT OF
5 CONGRESS OR STATUTE OF THE ISSUING STATE.

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