

MARS/lc

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 679

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “respondent” insert “in a proceeding for relief from abuse”; in line 4, after “mail;” insert “specifying that certain persons be served by first class mail to the person’s last known address under certain circumstances;”; in line 9, after “orders;” insert “establishing that a subsequent circuit court order pertaining to any of the provisions included in the protective order shall supersede those provisions in the protective order; authorizing the court that issued a protective order to extend the term of the protective order with regard to certain types of relief under certain circumstances; requiring a temporary ex parte order to include a certain notice to the respondent;”; and in line 24, strike “4-506(f) and (g)” and substitute “4-506(b), (f), and (g) and 4-507(a)”.

AMENDMENT NO. 2

On page 2, in line 9, strike “CURTILAGE” and substitute “YARD, GROUNDS, OUTBUILDINGS, AND COMMON AREAS SURROUNDING THE RESIDENCE”.

AMENDMENT NO. 3

On page 2, after line 10, insert:

“(b) (1) (I) The temporary ex parte order shall state the date and time of the protective order hearing.

[~~(2)~~] (II) Unless continued for good cause, the protective order hearing shall be held no later than 7 days after the temporary ex parte order is served on the respondent.

(2) THE TEMPORARY EX PARTE ORDER SHALL INCLUDE NOTICE TO THE RESPONDENT:

(I) OF THE POSSIBLE CONSEQUENCES OF FAILURE TO APPEAR AT

(Over)

THE PROTECTIVE ORDER HEARING, INCLUDING SERVICE OF A PROTECTIVE ORDER BY FIRST CLASS MAIL; AND

(II) THAT THE RESPONDENT MUST NOTIFY THE COURT IN WRITING OF ANY CHANGE OF ADDRESS.”.

AMENDMENT NO. 4

On page 2, in line 13, after “or” insert “, IF THE PERSON IS NOT PRESENT AT THE PROTECTIVE ORDER HEARING,”; and in line 14, after “mail” insert “TO THE PERSON’S LAST KNOWN ADDRESS”.

AMENDMENT NO. 5

On page 2, in line 25, strike “All” and substitute “(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ALL”; and after line 26, insert:

“(2) A SUBSEQUENT CIRCUIT COURT ORDER PERTAINING TO ANY OF THE PROVISIONS INCLUDED IN THE PROTECTIVE ORDER SHALL SUPERSEDE THOSE PROVISIONS IN THE PROTECTIVE ORDER.”.

AMENDMENT NO. 6

On page 2, after line 26, insert:

“4-507.

(a) (1) The court that issued the protective order may modify or rescind the protective order during the term of the protective order after:

(i) giving notice to all affected persons eligible for relief and the respondent;
and

(ii) a hearing.

(2) The court THAT ISSUED A PROTECTIVE ORDER may [not] extend the TERM OF THE protective order ONLY WITH REGARD TO ANY RELIEF DESCRIBED IN

§ 4-506(D)(1) THROUGH (7) OF THIS SUBTITLE beyond the period specified in § 4-506 of this subtitle, AFTER:

(I) GIVING NOTICE TO ALL AFFECTED PERSONS ELIGIBLE FOR RELIEF AND THE RESPONDENT; AND

(II) A HEARING.”.