

CF 7r0656

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**By: Delegate Taylor and Chairman, Judiciary Committee (Family Violence Council), and Delegates Dewberry, Hurson, Arnick, Busch, Curran, Harrison, Hixson, Kopp, Menes, Owings, Rawlings, Hecht, Grosfeld, Montague, Love, Pendergrass, Conway, Cadden, Stup, Petzold, Nathan-Pulliam, Willis, McIntosh, Parker, Rosenberg, B. Hughes, Branch, Slade, Donoghue, Franchot, Edwards, Brinkley, Eckardt, Conroy, Fry, Bobo, Watson, Mandel, Hubbard, and Pitkin**

Introduced and read first time: January 30, 1997

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 1997

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Domestic Abuse - Duties of Law Enforcement Officers**

3 FOR the purpose of ~~requiring a law enforcement officer who responds to a request for~~  
 4 ~~assistance from a person who alleges to have been a victim of domestic abuse and~~  
 5 ~~who believes there is a danger of serious and immediate injury to himself or herself~~  
 6 ~~to accompany the complainant to the family home so that the complainant may~~  
 7 ~~remove any medicine or medical devices of the complainant and of any child in the~~  
 8 ~~care of the complainant~~ clarifying that when a law enforcement officer is required to  
 9 accompany an alleged victim of domestic abuse to the family home so that the victim  
 10 may remove the personal effects of certain persons, the personal effects include  
 11 certain medicines or medical devices; authorizing the complainant to remove certain  
 12 items regardless of who paid for the items; and generally relating to domestic abuse  
 13 and the duties of law enforcement officers.

14 BY repealing and reenacting, with amendments,

15 Article 27 - Crimes and Punishments

16 Section 798

17 Annotated Code of Maryland

18 (1996 Replacement Volume)

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

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

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1           **Article 27 - Crimes and Punishments**

2 798.

3           (a) (1) In this section the following words have the meanings indicated.

4                       (2) "Abuse" has the meaning stated in § 4-501 of the Family Law Article.

5                       (3) "Victim" includes a "person eligible for relief" as described in § 4-501 of  
6 the Family Law Article.

7           (b) (1) Any person who alleges to have been a victim of abuse and who believes  
8 there is a danger of serious and immediate injury to himself or herself may request the  
9 assistance of a local law enforcement agency.

10                      (2) A local law enforcement officer responding to the request for assistance  
11 shall:

12                               (i) Protect the complainant from harm when responding to the  
13 request; and

14                               (ii) Accompany the complainant to the family home so that the  
15 complainant may remove THE FOLLOWING ITEMS, REGARDLESS OF WHO PAID FOR  
16 THE ITEMS:

17   1. The personal clothing of the complainant and of any child in  
18 the care of the complainant; ~~and~~

19   2. The personal effects, INCLUDING ANY MEDICINE OR  
20 MEDICAL DEVICES, of the complainant and of any child in the care of the complainant  
21 that are required for the immediate needs of the complainant or the child; ~~AND~~

22   ~~3. ANY MEDICINE OR MEDICAL DEVICES OF THE~~  
23 ~~COMPLAINANT AND OF ANY CHILD IN THE CARE OF THE COMPLAINANT.~~

24           (c) Any law enforcement officer responding to such a request shall have the  
25 immunity from liability described under § 5-326 of the Courts Article.

26           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 1997.