

HOUSE BILL 233

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1999 Regular Session
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CF SB 146

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Edwards, Finifter, Franchot, Frush, Fulton, Giannetti, Goldwater,
Griffith, Hixson, Howard, Hubers, Hutchins, James, A. Jones, V. Jones,
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McIntosh, McKee, Menes, Moe, Morhaim, Nathan-Pulliam, Patterson,
Pendergrass, Petzold, Phillips, Pitkin, Riley, Rosenberg, Rosso, Shank,
Shriver, Snodgrass, Sophocleus, Stern, Swain, Turner, Valderrama, and
Zirkin

Introduced and read first time: February 1, 1999
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 22, 1999

CHAPTER _____

1 AN ACT concerning

2 **Family Law - Domestic Violence - Dating Relationship**
3 **Courts and Judicial Proceedings - Peace Orders**

4 FOR the purpose of ~~providing that certain persons in a dating relationship are eligible~~
5 ~~for relief through a civil protective order and may file a petition for relief from~~
6 ~~abuse; defining a certain term; and generally relating to domestic violence.~~
7 authorizing an individual to seek certain relief by filing with the court a petition
8 that alleges the commission of any of certain acts against the individual by a
9 respondent; requiring a petition to be under oath and specifying the contents of
10 the petition; authorizing the address of a petitioner to be stricken or omitted
11 from certain documents under certain circumstances; establishing a criminal
12 penalty for knowingly providing false information in a petition; authorizing the
13 court to issue a temporary peace order to protect a petitioner under certain
14 circumstances; specifying the forms of relief in a temporary peace order;
15 providing for the service of a temporary peace order; establishing the duration of
16 a temporary peace order; authorizing a court to extend a temporary peace order
17 under certain circumstances; granting a respondent an opportunity to be heard
18 on the question of whether the court should issue a peace order; specifying the

1 information that a temporary peace order must contain; requiring a peace order
 2 hearing to be held within a certain period of time, except under certain
 3 circumstances; authorizing the court to issue a peace order to protect the
 4 petitioner under certain circumstances; authorizing the court to issue mutual
 5 peace orders under certain circumstances; specifying the forms of relief in a
 6 peace order; providing for the service of a peace order; establishing the duration
 7 of a peace order; providing for the modification and rescission of a peace order;
 8 establishing certain appeal procedures; requiring a temporary peace order and
 9 peace order to state certain consequences of a violation; establishing a criminal
 10 penalty for a violation of certain provisions of a temporary peace order or peace
 11 order; requiring a law enforcement officer to make a certain arrest for a
 12 violation of a temporary peace order or peace order under certain circumstances;
 13 establishing that a petitioner is not limited to or precluded from pursuing other
 14 legal remedies except under certain circumstances; providing for the application
 15 of certain provisions of this Act; authorizing the Court of Appeals to adopt
 16 certain rules and forms; requiring the Court of Appeals to adopt a certain form
 17 and provide certain notice in the form; expanding the exclusive original civil
 18 jurisdiction of the District Court; defining certain terms; and generally relating
 19 to temporary peace orders and peace orders.

20 BY adding to

21 Article - Courts and Judicial Proceedings
 22 Section 3-1501 through 3-1509, inclusive, to be under the new subtitle "Subtitle
 23 15. Peace Orders"
 24 Annotated Code of Maryland
 25 (1998 Replacement Volume)

26 BY repealing and reenacting, with amendments,

27 Article - Courts and Judicial Proceedings
 28 Section 4-401
 29 Annotated Code of Maryland
 30 (1998 Replacement Volume)

31 BY repealing and reenacting, with amendments,

32 Article - Family Law
 33 Section ~~4-501~~ 4-510
 34 Annotated Code of Maryland
 35 (1999 Replacement Volume)

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

38 ~~Article - Family Law~~

39 ~~4-501.~~

40 (a) ~~In this subtitle the following words have the meanings indicated.~~

- (b) (1) ~~"Abuse" means any of the following acts:~~
- (i) ~~an act that causes serious bodily harm;~~
 - (ii) ~~an act that places a person eligible for relief in fear of imminent serious bodily harm;~~
 - (iii) ~~assault in any degree;~~
 - (iv) ~~rape or sexual offense as defined by Article 27, §§ 462 through 464C of the Code or attempted rape or sexual offense in any degree; or~~
 - (v) ~~false imprisonment.~~

(2) ~~If the person for whom relief is sought is a child, "abuse" may also include abuse of a child, as defined in Title 5, Subtitle 7 of this article. Nothing in this subtitle shall be construed to prohibit reasonable punishment, including reasonable corporal punishment, in light of the age and condition of the child, from being performed by a parent or stepparent of the child.~~

(3) ~~If the person for whom relief is sought is a vulnerable adult, "abuse" may also include abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this article.~~

(c) ~~"Cohabitant" means a person who has had a sexual relationship with the respondent and resided with the respondent in the home for a period of at least 90 days within 1 year before the filing of the petition.~~

(d) ~~"Court" means the District Court or a circuit court in this State.~~

(e) ~~"DATING RELATIONSHIP" MEANS A SOCIAL RELATIONSHIP OF A ROMANTIC NATURE WHICH MAY OR MAY NOT BE A SEXUAL RELATIONSHIP.~~

(F) ~~"Emergency family maintenance" means a monetary award given to or for a person eligible for relief to whom the respondent has a duty of support under this article based on:~~

- (1) ~~the financial needs of the person eligible for relief; and~~
- (2) ~~the resources available to the person eligible for relief and the respondent.~~

~~[(f)] (G) "Home" means the property in this State that:~~

- (1) ~~is the principal residence of a person eligible for relief; and~~
- (2) ~~is owned, rented, or leased by the person eligible for relief or respondent or, in a petition alleging child abuse or abuse of a vulnerable adult, an adult living in the home at the time of a proceeding under this subtitle.~~

1 ~~[(g)]~~ (H) "Local department" means the local department of social services
2 that has jurisdiction in the county:

3 (1) where the home is located; or

4 (2) if different, where the abuse is alleged to have taken place.

5 ~~[(h)]~~ (I) "Person eligible for relief" includes:

6 (1) the current or former spouse of the respondent;

7 (2) a cohabitant of the respondent;

8 (3) a person related to the respondent by blood, marriage, or adoption;

9 (4) a parent, stepparent, child, or stepchild of the respondent or the
10 person eligible for relief who resides or resided with the respondent or person eligible
11 for relief for at least 90 days within 1 year before the filing of the petition;

12 (5) a vulnerable adult; ~~[or]~~

13 (6) an individual who has a child in common with the respondent; OR

14 (7) A PERSON WHOM THE COURT DETERMINES IS IN A DATING
15 RELATIONSHIP WITH THE RESPONDENT OR WHO HAS HAD A DATING RELATIONSHIP
16 WITH THE RESPONDENT, AFTER CONSIDERATION OF THE FOLLOWING FACTORS:

17 (I) THE LENGTH OF THE RELATIONSHIP;

18 (II) THE NATURE OF THE RELATIONSHIP; OR

19 (III) THE FREQUENCY OF INTERACTION.

20 ~~[(i)]~~ (J) (1) "Petitioner" means an individual who files a petition.

21 (2) "Petitioner" includes:

22 (i) a person eligible for relief; or

23 (ii) the following persons who may seek relief from abuse on behalf
24 of a minor or vulnerable adult:

25 1. the State's Attorney for the county where the child or
26 vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;

27 2. the department of social services that has jurisdiction in
28 the county where the child or vulnerable adult lives, or, if different, where the abuse
29 is alleged to have taken place;

30 3. a person related to the child or vulnerable adult by blood,
31 marriage, or adoption; or

1 4. ~~an adult who resides in the home.~~

2 ~~{(j)} (K) "Residence" includes the yard, grounds, outbuildings, and common~~
3 ~~areas surrounding the residence.~~

4 ~~{(k)} (L) "Respondent" means the person alleged in the petition to have~~
5 ~~committed the abuse.~~

6 ~~{(4)} (M) "Vulnerable adult" has the meaning provided in § 14-101(q) of this~~
7 ~~article.~~

8 **Article - Courts and Judicial Proceedings**

9 **SUBTITLE 15. PEACE ORDERS.**

10 3-1501.

11 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
12 INDICATED.

13 (B) "COURT" MEANS THE DISTRICT COURT OF MARYLAND.

14 (C) "PETITIONER" MEANS AN INDIVIDUAL WHO FILES A PETITION UNDER §
15 3-1503 OF THIS SUBTITLE.

16 (D) "RESIDENCE" INCLUDES THE YARD, GROUNDS, OUTBUILDINGS, AND
17 COMMON AREAS SURROUNDING THE RESIDENCE.

18 (E) "RESPONDENT" MEANS AN INDIVIDUAL ALLEGED IN A PETITION TO HAVE
19 COMMITTED AN ACT SPECIFIED IN § 3-1503(A) OF THIS SUBTITLE AGAINST A
20 PETITIONER.

21 3-1502.

22 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, BY
23 PROCEEDING UNDER THIS SUBTITLE, A PETITIONER IS NOT LIMITED TO OR
24 PRECLUDED FROM PURSUING ANY OTHER LEGAL REMEDY.

25 (B) THIS SUBTITLE DOES NOT APPLY TO AN INDIVIDUAL WHO IS ENTITLED TO
26 PETITION FOR RELIEF FROM ABUSE UNDER TITLE 4, SUBTITLE 5 OF THE FAMILY LAW
27 ARTICLE.

28 3-1503.

29 (A) A PETITIONER MAY SEEK RELIEF UNDER THIS SUBTITLE BY FILING WITH
30 THE COURT A PETITION THAT ALLEGES THE COMMISSION OF ANY OF THE
31 FOLLOWING ACTS AGAINST THE PETITIONER BY THE RESPONDENT, IF THE ACT
32 OCCURRED WITHIN 30 DAYS BEFORE THE FILING OF THE PETITION:

33 (1) AN ACT THAT CAUSES SERIOUS BODILY HARM;

1 (2) AN ACT THAT PLACES THE PETITIONER IN FEAR OF IMMINENT
2 SERIOUS BODILY HARM;

3 (3) ASSAULT IN ANY DEGREE;

4 (4) RAPE OR SEXUAL OFFENSE, AS DEFINED BY ARTICLE 27, §§ 462
5 THROUGH 464C OF THE CODE OR ATTEMPTED RAPE OR SEXUAL OFFENSE IN ANY
6 DEGREE;

7 (5) FALSE IMPRISONMENT;

8 (6) HARASSMENT, AS DESCRIBED IN ARTICLE 27, § 123 OF THE CODE;

9 (7) STALKING, AS DESCRIBED IN ARTICLE 27, § 124 OF THE CODE;

10 (8) TRESPASS, AS DESCRIBED IN THE TRESPASS SUBHEADING OF
11 ARTICLE 27 OF THE CODE; OR

12 (9) MALICIOUS DESTRUCTION OF PROPERTY, AS DESCRIBED IN ARTICLE
13 27, § 111 OF THE CODE.

14 (B) (1) THE PETITION SHALL:

15 (I) BE UNDER OATH AND PROVIDE NOTICE TO THE PETITIONER
16 THAT AN INDIVIDUAL WHO KNOWINGLY PROVIDES FALSE INFORMATION IN THE
17 PETITION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO THE
18 PENALTIES SPECIFIED IN SUBSECTION (D) OF THIS SECTION;

19 (II) SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS
20 SECTION, CONTAIN THE ADDRESS OF THE PETITIONER; AND

21 (III) INCLUDE ALL INFORMATION KNOWN TO THE PETITIONER OF:

22 1. THE NATURE AND EXTENT OF THE ACT SPECIFIED IN
23 SUBSECTION (A) OF THIS SECTION FOR WHICH THE RELIEF IS BEING SOUGHT,
24 INCLUDING INFORMATION KNOWN TO THE PETITIONER CONCERNING PREVIOUS
25 HARM OR INJURY RESULTING FROM AN ACT SPECIFIED IN SUBSECTION (A) OF THIS
26 SECTION BY THE RESPONDENT;

27 2. EACH PREVIOUS AND PENDING ACTION BETWEEN THE
28 PARTIES IN ANY COURT; AND

29 3. THE WHEREABOUTS OF THE RESPONDENT.

30 (C) IN A PROCEEDING UNDER § 3-1504 OR § 3-1505 OF THIS SUBTITLE, IF THE
31 PETITIONER ALLEGES, AND THE COURT FINDS, THAT THE DISCLOSURE OF THE
32 ADDRESS OF THE PETITIONER WOULD RISK FURTHER HARM TO THE PETITIONER,
33 THAT ADDRESS MAY BE STRICKEN FROM THE PETITION AND OMITTED FROM ALL
34 OTHER DOCUMENTS FILED WITH THE COURT.

1 (D) AN INDIVIDUAL WHO KNOWINGLY PROVIDES FALSE INFORMATION IN A
2 PETITION FILED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON
3 CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT
4 EXCEEDING 90 DAYS OR BOTH.

5 3-1504.

6 (A) (1) IF A PETITION IS FILED UNDER § 3-1503 OF THIS SUBTITLE AND THE
7 COURT FINDS THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE
8 RESPONDENT HAS COMMITTED, AND IS LIKELY TO COMMIT IN THE FUTURE, AN ACT
9 SPECIFIED IN § 3-1503(A) OF THIS SUBTITLE AGAINST THE PETITIONER, THE COURT,
10 IN AN EX PARTE PROCEEDING, MAY ISSUE A TEMPORARY PEACE ORDER TO PROTECT
11 THE PETITIONER.

12 (2) THE TEMPORARY PEACE ORDER MAY INCLUDE ANY OR ALL OF THE
13 FOLLOWING RELIEF:

14 (I) ORDER THE RESPONDENT TO REFRAIN FROM COMMITTING OR
15 THREATENING TO COMMIT AN ACT SPECIFIED IN § 3-1503(A) OF THIS SUBTITLE
16 AGAINST THE PETITIONER;

17 (II) ORDER THE RESPONDENT TO REFRAIN FROM CONTACTING,
18 ATTEMPTING TO CONTACT, OR HARASSING THE PETITIONER;

19 (III) ORDER THE RESPONDENT TO REFRAIN FROM ENTERING THE
20 RESIDENCE OF THE PETITIONER; AND

21 (IV) ORDER THE RESPONDENT TO REMAIN AWAY FROM THE PLACE
22 OF EMPLOYMENT, SCHOOL, OR TEMPORARY RESIDENCE OF THE PETITIONER.

23 (3) IF THE COURT ISSUES AN ORDER UNDER THIS SECTION, THE ORDER
24 SHALL CONTAIN ONLY THE RELIEF THAT IS MINIMALLY NECESSARY TO PROTECT
25 THE PETITIONER.

26 (B) A LAW ENFORCEMENT OFFICER IMMEDIATELY SHALL SERVE THE
27 TEMPORARY PEACE ORDER ON THE RESPONDENT.

28 (C) (1) THE TEMPORARY PEACE ORDER SHALL BE EFFECTIVE FOR NOT
29 MORE THAN 7 DAYS AFTER SERVICE OF THE ORDER.

30 (2) THE COURT MAY EXTEND THE TEMPORARY PEACE ORDER AS
31 NEEDED, BUT NOT TO EXCEED 30 DAYS, TO EFFECTUATE SERVICE OF THE ORDER
32 WHERE NECESSARY TO PROVIDE PROTECTION OR FOR OTHER GOOD CAUSE.

33 3-1505.

34 (A) A RESPONDENT SHALL HAVE AN OPPORTUNITY TO BE HEARD ON THE
35 QUESTION OF WHETHER THE COURT SHOULD ISSUE A PEACE ORDER.

1 (B) (1) (I) THE TEMPORARY PEACE ORDER SHALL STATE THE DATE AND
2 TIME OF THE PEACE ORDER HEARING.

3 (II) UNLESS CONTINUED FOR GOOD CAUSE, THE PEACE ORDER
4 HEARING SHALL BE HELD NO LATER THAN 7 DAYS AFTER THE TEMPORARY PEACE
5 ORDER IS SERVED ON THE RESPONDENT.

6 (2) THE TEMPORARY PEACE ORDER SHALL INCLUDE NOTICE TO THE
7 RESPONDENT:

8 (I) IN AT LEAST 10-POINT BOLD TYPE, THAT IF THE RESPONDENT
9 FAILS TO APPEAR AT THE PEACE ORDER HEARING, THE RESPONDENT MAY BE
10 SERVED BY FIRST-CLASS MAIL AT THE RESPONDENT'S LAST KNOWN ADDRESS WITH
11 THE PEACE ORDER AND ALL OTHER NOTICES CONCERNING THE PEACE ORDER;

12 (II) SPECIFYING ALL THE POSSIBLE FORMS OF RELIEF UNDER
13 SUBSECTION (D) OF THIS SECTION THAT THE PEACE ORDER MAY CONTAIN;

14 (III) THAT THE PEACE ORDER SHALL BE EFFECTIVE FOR THE
15 PERIOD STATED IN THE ORDER, NOT TO EXCEED 6 MONTHS; AND

16 (IV) IN AT LEAST 10-POINT BOLD TYPE, THAT THE RESPONDENT
17 MUST NOTIFY THE COURT IN WRITING OF ANY CHANGE OF ADDRESS.

18 (C) (1) IF THE RESPONDENT APPEARS FOR THE PEACE ORDER HEARING,
19 HAS BEEN SERVED WITH THE TEMPORARY PEACE ORDER, OR THE COURT
20 OTHERWISE HAS PERSONAL JURISDICTION OVER THE RESPONDENT, THE COURT:

21 (I) MAY PROCEED WITH THE PEACE ORDER HEARING; AND

22 (II) IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE
23 THAT THE RESPONDENT HAS COMMITTED, AND IS LIKELY TO COMMIT IN THE
24 FUTURE, AN ACT SPECIFIED IN § 3-1503(A) OF THIS SUBTITLE AGAINST THE
25 PETITIONER, OR IF THE RESPONDENT CONSENTS TO THE ENTRY OF A PEACE ORDER,
26 THE COURT MAY ISSUE A PEACE ORDER TO PROTECT THE PETITIONER.

27 (2) A PEACE ORDER MAY BE ISSUED ONLY TO AN INDIVIDUAL WHO HAS
28 FILED A PETITION UNDER § 3-1503 OF THIS SUBTITLE.

29 (3) IN CASES WHERE BOTH PARTIES FILE A PETITION UNDER § 3-1503 OF
30 THIS SUBTITLE, THE COURT MAY ISSUE MUTUAL PEACE ORDERS IF THE COURT
31 FINDS BY CLEAR AND CONVINCING EVIDENCE THAT EACH PARTY HAS COMMITTED,
32 AND IS LIKELY TO COMMIT IN THE FUTURE, AN ACT SPECIFIED IN § 3-1503(A) OF THIS
33 SUBTITLE AGAINST THE OTHER PARTY.

34 (D) (1) THE PEACE ORDER MAY INCLUDE ANY OR ALL OF THE FOLLOWING
35 RELIEF:

1 (I) ORDER THE RESPONDENT TO REFRAIN FROM COMMITTING OR
2 THREATENING TO COMMIT AN ACT SPECIFIED IN § 3-1503(A) OF THIS SUBTITLE
3 AGAINST THE PETITIONER;

4 (II) ORDER THE RESPONDENT TO REFRAIN FROM CONTACTING,
5 ATTEMPTING TO CONTACT, OR HARASSING THE PETITIONER;

6 (III) ORDER THE RESPONDENT TO REFRAIN FROM ENTERING THE
7 RESIDENCE OF THE PETITIONER;

8 (IV) ORDER THE RESPONDENT TO REMAIN AWAY FROM THE PLACE
9 OF EMPLOYMENT, SCHOOL, OR TEMPORARY RESIDENCE OF THE PETITIONER;

10 (V) DIRECT THE RESPONDENT OR PETITIONER TO PARTICIPATE IN
11 PROFESSIONALLY SUPERVISED COUNSELING OR, IF THE PARTIES ARE AMENABLE,
12 MEDIATION; AND

13 (VI) ORDER EITHER PARTY TO PAY FILING FEES AND COSTS OF A
14 PROCEEDING UNDER THIS SUBTITLE.

15 (2) IF THE COURT ISSUES AN ORDER UNDER THIS SECTION, THE ORDER
16 SHALL CONTAIN ONLY THE RELIEF THAT IS MINIMALLY NECESSARY TO PROTECT
17 THE PETITIONER.

18 (E) (1) A COPY OF THE PEACE ORDER SHALL BE SERVED ON THE
19 PETITIONER, THE RESPONDENT, THE APPROPRIATE LAW ENFORCEMENT AGENCY,
20 AND ANY OTHER PERSON THE COURT DETERMINES IS APPROPRIATE, IN OPEN COURT
21 OR, IF THE PERSON IS NOT PRESENT AT THE PEACE ORDER HEARING, BY
22 FIRST-CLASS MAIL TO THE PERSON'S LAST KNOWN ADDRESS.

23 (2) (I) A COPY OF THE PEACE ORDER SERVED ON THE RESPONDENT IN
24 ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION CONSTITUTES ACTUAL
25 NOTICE TO THE RESPONDENT OF THE CONTENTS OF THE PEACE ORDER.

26 (II) SERVICE IS COMPLETE UPON MAILING.

27 (F) ALL RELIEF GRANTED IN A PEACE ORDER SHALL BE EFFECTIVE FOR THE
28 PERIOD STATED IN THE ORDER, NOT TO EXCEED 6 MONTHS.

29 3-1506.

30 (A) THE COURT THAT ISSUED THE PEACE ORDER MAY MODIFY OR RESCIND
31 THE PEACE ORDER DURING THE TERM OF THE PEACE ORDER AFTER:

32 (1) GIVING NOTICE TO THE PETITIONER AND THE RESPONDENT; AND

33 (2) A HEARING.

34 (B) (1) IF THE DISTRICT COURT GRANTS OR DENIES RELIEF UNDER A
35 PETITION FILED UNDER THIS SUBTITLE, A RESPONDENT OR A PETITIONER MAY

1 APPEAL TO THE CIRCUIT COURT FOR THE COUNTY WHERE THE DISTRICT COURT IS
2 LOCATED.

3 (2) AN APPEAL TAKEN UNDER THIS SUBSECTION TO THE CIRCUIT
4 COURT SHALL BE HEARD DE NOVO IN THE CIRCUIT COURT.

5 (3) (I) IF AN APPEAL IS FILED UNDER THIS SUBSECTION, THE
6 DISTRICT COURT JUDGMENT SHALL REMAIN IN EFFECT UNTIL SUPERSEDED BY A
7 JUDGMENT OF THE CIRCUIT COURT.

8 (II) UNLESS THE CIRCUIT COURT ORDERS OTHERWISE,
9 MODIFICATION OR ENFORCEMENT OF THE DISTRICT COURT ORDER SHALL BE BY
10 THE DISTRICT COURT.

11 3-1507.

12 THE TEMPORARY PEACE ORDER AND PEACE ORDER ISSUED UNDER THIS
13 SUBTITLE SHALL STATE THAT A VIOLATION OF THE ORDER MAY RESULT IN:

14 (1) A FINDING OF CONTEMPT;

15 (2) CRIMINAL PROSECUTION; AND

16 (3) IMPRISONMENT OR FINE OR BOTH.

17 3-1508.

18 (A) AN INDIVIDUAL WHO FAILS TO COMPLY WITH THE RELIEF GRANTED IN A
19 TEMPORARY PEACE ORDER UNDER § 3-1504(A)(2) OF THIS SUBTITLE OR IN A PEACE
20 ORDER UNDER § 3-1505(D)(1)(I), (II), (III), OR (IV) OF THIS SUBTITLE IS GUILTY OF A
21 MISDEMEANOR AND ON CONVICTION IS SUBJECT, FOR EACH OFFENSE, TO A FINE
22 NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH.

23 (B) A LAW ENFORCEMENT OFFICER SHALL ARREST WITH OR WITHOUT A
24 WARRANT AND TAKE INTO CUSTODY AN INDIVIDUAL WHOM THE OFFICER HAS
25 PROBABLE CAUSE TO BELIEVE IS IN VIOLATION OF A TEMPORARY PEACE ORDER OR
26 PEACE ORDER IN EFFECT AT THE TIME OF THE VIOLATION.

27 3-1509.

28 (A) THE COURT OF APPEALS MAY ADOPT RULES AND FORMS TO IMPLEMENT
29 THE PROVISIONS OF THIS SUBTITLE.

30 (B) (1) THE COURT OF APPEALS SHALL ADOPT A FORM FOR A PETITION
31 UNDER THIS SUBTITLE.

32 (2) A PETITION FORM SHALL CONTAIN NOTICE TO A PETITIONER THAT
33 AN INDIVIDUAL WHO KNOWINGLY PROVIDES FALSE INFORMATION IN A PETITION
34 FILED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION
35 IS SUBJECT TO THE PENALTIES SPECIFIED IN § 3-1503(D) OF THIS SUBTITLE.

1 4-401.

2 Except as provided in § 4-402 of this subtitle, and subject to the venue
3 provisions of Title 6 of this article, the District Court has exclusive original civil
4 jurisdiction in:

5 (1) An action in contract or tort, if the debt or damages claimed do not
6 exceed \$25,000, exclusive of prejudgment or postjudgment interest, costs, and
7 attorney's fees if attorney's fees are recoverable by law or contract;

8 (2) An action of replevin, regardless of the value of the thing in
9 controversy;

10 (3) A matter of attachment before judgment, if the sum claimed does not
11 exceed \$25,000, exclusive of prejudgment or postjudgment interest, costs, and
12 attorney's fees if attorney's fees are recoverable by law or contract;

13 (4) An action involving landlord and tenant, distraint, or forcible entry
14 and detainer, regardless of the amount involved;

15 (5) A grantee suit brought under § 14-109 of the Real Property Article;

16 (6) A petition for injunction relating to the use, disposition,
17 encumbrances, or preservation of property that is:

18 (i) Claimed in a replevin action, until seizure under the writ; or

19 (ii) Sought to be levied upon in an action of distress, until levy and
20 any removal;

21 (7) A petition of injunction filed by:

22 (i) A tenant in an action under § 8-211 of the Real Property Article
23 or a local rent escrow law; or

24 (ii) A person who brings an action under § 14-120 of the Real
25 Property Article;

26 (8) A petition filed by a county or municipality, including Baltimore City,
27 for enforcement of local health, housing, fire, building, electric, licenses and permits,
28 plumbing, animal control, and zoning codes for which equitable relief is provided;

29 (9) Proceedings under Article 27, § 264 or § 297 of the Code for the
30 forfeiture or return of moneys involved in a gambling or controlled dangerous
31 substances seizure where the amount involved, excluding any interest and attorney's
32 fees, if attorney's fees are recoverable by law or contract, does not exceed \$20,000;

33 (10) A proceeding for adjudication of:

34 (i) A municipal infraction as defined in Article 23A, § 3(b)(1) of the
35 Code;

- 1 (ii) A Commission infraction as defined in Article 28, § 5-113 of the
2 Code;
- 3 (iii) A WSSC infraction as defined in Article 29, § 18-104.1 of the
4 Code, concerning rules and regulations governing publicly owned watershed property;
- 5 (iv) A WSSC infraction as defined in Article 29, § 18-104.2 of the
6 Code, concerning WSSC regulations governing:
- 7 1. Erosion and sediment control for utility construction; and
8 2. Plumbing, gasfitting, and sewer cleaning;
- 9 (v) A zoning violation for which a civil penalty has been provided
10 pursuant to Article 66B, § 7.01 or Article 28, § 8-120(c) of the Code;
- 11 (vi) A violation of an ordinance enacted:
- 12 1. By a charter county for which a civil penalty is provided
13 under Article 25A, § 5(A) of the Code; or
- 14 2. By the Mayor and City Council of Baltimore for which a
15 civil penalty is provided by ordinance;
- 16 (vii) A citation for a Code violation issued under Article 27, § 403 of
17 the Code;
- 18 (viii) A civil infraction relating to a violation of the Fair Election
19 Practices Act of the election laws as provided under Article 33, § 13-604 of the Code;
- 20 (ix) A violation of an ordinance or regulation enacted by a county
21 without home rule, under authority granted under Article 25 of the Code, or any
22 provision of the Code of Public Local Laws for that county, for which a civil penalty is
23 provided;
- 24 (x) A civil infraction that is authorized by law to be prosecuted by a
25 sanitary commission; or
- 26 (xi) A subdivision violation for which a civil penalty has been
27 provided in accordance with Article 66B, § 5.05(d) of the Code;
- 28 (11) A proceeding for adjudication of a civil penalty for any violation under
29 § 5-1001 of the Environment Article, § 21-1122 of the Transportation Article, §
30 21-1414 of the Transportation Article, or Article 41, § 2-101(c-1) of the Code or any
31 rule or regulation issued pursuant to those sections;
- 32 (12) A proceeding to enforce a civil penalty assessed by the Maryland
33 Division of Labor and Industry under Title 5 of the Labor and Employment Article
34 where the amount involved does not exceed \$20,000; [and]

1 (13) A proceeding for a civil infraction under § 21-202.1 of the
2 Transportation Article; AND

3 (14) A PROCEEDING FOR A TEMPORARY PEACE ORDER OR PEACE ORDER
4 UNDER TITLE 3, SUBTITLE 15 OF THIS ARTICLE.

5 **Article - Family Law**

6 4-510.

7 (A) [By] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, BY
8 proceeding under this subtitle, a petitioner, including a petitioner who acts on behalf
9 of a child or vulnerable adult, is not limited to or precluded from pursuing any other
10 legal remedy.

11 (B) AN INDIVIDUAL WHO IS ELIGIBLE TO PETITION FOR RELIEF UNDER THIS
12 SUBTITLE MAY NOT PETITION FOR RELIEF UNDER TITLE 3, SUBTITLE 15 OF THE
13 COURTS ARTICLE.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 1999.