

Department of Legislative Services
Maryland General Assembly
1999 Session

FISCAL NOTE

Revised

House Bill 233 (Delegate Tavior. *et al.*)

Judiciary

Courts and Judicial Proceedings - Peace Orders

This bill provides for the issuance of “peace orders” by the District Court of Maryland for the protection of persons not eligible to petition for relief from domestic violence.

Fiscal Summary

State Effect: Indeterminate, but probably minimal, increase in general fund expenditures.

Local Effect: None.

Small Business Effect: None.

Fiscal Analysis

Bill Summary: A petitioner may seek the issuance of a “peace order” by filing a petition in District Court alleging the commission of a specified act against the petitioner by the respondent. Specified acts include:

- an act that causes serious bodily harm;
- an act that places the petitioner in fear of imminent serious bodily harm;
- assault;
- rape or sexual offense;
- false imprisonment;
- harassment;
- stalking;
- trespass; and
- malicious destruction of property.

If the court finds that there are reasonable grounds to believe that the respondent has committed, and is likely to commit in the future, a specified act against the petitioner, the court, in an ex parte proceeding, may issue a temporary peace order to protect the petitioner. A temporary peace order may order the respondent to:

- refrain from committing or threatening to commit a specified act against the petitioner;
- refrain from contacting, attempting to contact, or harassing the petitioner;
- refrain from entering the residence of the petitioner; and
- remain away from the place of employment, school, or temporary residence of the petitioner.

A law enforcement officer immediately shall serve the temporary peace order on the respondent. The temporary peace order shall be effective for not more than seven days after service, shall state the date and time of the peace order hearing, and shall include a specified notice to the respondent. A respondent shall have an opportunity to be heard on the question of whether the court should issue a peace order.

If the court finds by clear and convincing evidence that the respondent has committed, and is likely to commit in the future, a specified act against the petitioner, or if the respondent consents to the entry of a peace order, the court may issue a peace order to protect the petitioner. In addition to the types of relief that may be granted by a temporary peace order, a peace order may direct the respondent or petitioner to participate in professionally supervised counseling or mediation and order either party to pay filing fees and costs of the proceeding. A peace order shall be effective for the period stated in the order, not to exceed six months. A respondent or petitioner may appeal a peace order to the circuit court.

An individual who knowingly provides false information in a peace order petition is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both. An individual who fails to comply with the relief granted in a temporary peace order or a peace order is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both.

An individual who is eligible to petition for relief from domestic violence may not petition for a peace order.

State Expenditures: To the extent that people avail themselves of the peace order procedure, the caseload of the District Court would increase. The number of people who would seek peace orders is unknown. However, it is expected that, at least initially, the number of peace order applicants would not be so great that the District Court would incur significant additional operating expenditures or be required to hire additional personnel.

The District Court advises that it would incur start-up costs of approximately \$10,000 to \$15,000 for the development and printing of forms as a result of the bill. Computerization costs are not expected to be significant.

The bill's criminal penalty provisions are not expected to have a significant impact on State finances.

Local Expenditures: To the extent that appeals are taken in peace order proceedings, the workload of the circuit courts would increase. To the extent that law enforcement officers are involved in the service of temporary peace orders and the arrest and custody of peace order violators, law enforcement workloads would increase. Any increase in circuit court or law enforcement workloads is not expected to have a significant impact on local government finances.

The criminal penalty provisions of the bill are not expected to have a significant impact on local finances.

Information Source(s): Judiciary (Administrative Office of the Courts, District Court of Maryland), Department of Legislative Services

Fiscal Note History: First Reader - February 17, 1999
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