

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 441 (Delegate Dembrow, *et al.*)

Judiciary

Peace Orders - Eligibility

This bill repeals the provisions of current law precluding an individual who is eligible to petition for relief under the domestic violence statutes from petitioning for relief under the peace order statutes.

Fiscal Summary

State Effect: It is expected that any caseload increase for the District Court resulting from the bill could be handled with existing budgeted resources.

Local Effect: It is expected that any workload increase for law enforcement agencies resulting from the bill could be handled with existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law: An individual who is entitled to petition for an ex parte or protective order under the domestic violence statutes may not petition for a peace order.

A “person eligible for relief” from abuse under the domestic violence statutes includes:

- the current or former spouse of the respondent;
- a cohabitant of the respondent;
- a person related to the respondent by blood, marriage, or adoption;
- a parent, stepparent, child, or stepchild of the respondent or the person eligible for

- relief who resides or resided with the respondent or person eligible for relief for at least 90 days within one year before the filing of the petition;
- a vulnerable adult; or
 - an individual who has a child in common with the respondent.

For purposes of the domestic violence statutes, “abuse” means:

- an act that causes serious bodily harm;
- an act that places a person eligible for relief in fear of imminent serious bodily harm;
- assault in any degree;
- rape or sexual offense, or attempted rape or sexual offense; or
- false imprisonment.

A person may seek a peace order on the basis of any of the types of acts constituting abuse under the domestic violence statutes, as well as harassment, stalking, trespass, or malicious destruction of property.

A petition for relief from domestic violence may be filed in either District Court or circuit court. A petition for a peace order must be filed in the District Court.

Background: Approximately 22,500 petitions for protective and ex parte orders were filed in District Court and circuit courts statewide in fiscal 1999.

The peace order procedure went into effect on October 1, 1999. During November and December 1999, 745 peace order petitions were filed statewide, out of which 591 peace orders were issued.

State Fiscal Effect: This bill allows a person otherwise eligible for relief from domestic violence to file for a peace order if the basis for the relief is harassment, stalking, trespass, or malicious destruction of property (which are not considered “abuse” for purposes of the domestic violence statutes). This could result in a caseload shift from circuit court to District Court. In addition, the bill does not prohibit a person from petitioning for both a peace order and a domestic violence order. To the extent that people who seek ex parte or protective orders also seek peace orders, the caseload of the District Court would further increase. The precise extent of any increase in the District Court’s caseload cannot be reliably estimated at this time, but is expected to be manageable within the District Court’s existing budgeted resources.

Local Fiscal Effect: The filing of more peace orders would create more work for local law enforcement agencies, whose responsibility it is to serve peace orders on respondents. It is

expected that local law enforcement agencies could handle any increased workload resulting from the bill with existing budgeted resources.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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