

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 675 (Delegate Vallario. *et al.*)

Judiciary

Juvenile Law - Juvenile Court Jurisdiction - Peace Orders

This bill transfers jurisdiction over peace order proceedings in which the respondent is a child from the District Court of Maryland to the juvenile court.

Fiscal Summary

State Effect: The bill would not have a significant impact on governmental operations or finances.

Local Effect: The bill would not have a significant impact on governmental operations or finances.

Small Business Effect: None.

Analysis

Current Law: The District Court of Maryland has exclusive jurisdiction over peace order proceedings.

Background: Chapter 404 of 1999 created the peace order procedure, under which an individual who is not eligible for relief from domestic violence and who can show a legitimate reason to fear harm from another individual may apply for a civil order called a “peace order” requiring the other individual to stay away. An individual may file a petition in the District Court for protection from another individual who has committed any of the following acts against the petitioner, if the act occurred within 30 days of the filing of the petition: (1) an act that causes serious bodily harm; (2) an act that places the petitioner in fear of imminent serious bodily harm; (3) assault in any degree; (4) rape or sexual offense; (5)

false imprisonment; (6) harassment; (7) stalking; (8) trespass; or (9) 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, one of the specified acts, the court in an ex parte proceeding may issue a temporary peace order to protect the petitioner. The temporary peace order is effective for seven days after it is served on the respondent. At the expiration of the seven days, the court is required to hold a peace order hearing. If the court finds by clear and convincing evidence that the respondent has committed, and is likely to commit in the future, one of the specified acts, the court may issue a peace order on behalf of the petitioner. A peace order may be effective for up to six months.

A peace order may order the respondent to refrain from committing or threatening to commit any of the specified acts 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.

An individual who fails to comply with the provisions of a temporary peace order or peace order is guilty of a misdemeanor and on conviction is subject, for each offense, to a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both. Additionally, an individual who violates a temporary peace order or peace order is subject to an immediate warrantless arrest.

Bill Summary: Under the bill, peace order proceedings in juvenile court would be similar to the current peace order proceedings in District Court, except that a juvenile intake officer or State's Attorney would institute the peace order proceedings instead of the victim. In addition, violation of a peace order by a juvenile would be deemed a delinquent act instead of a misdemeanor. A juvenile respondent is not entitled to the assistance of counsel at a peace order proceeding.

State Fiscal Effect: The District Court of Maryland advises that 12 petitions for peace orders were filed against juveniles statewide during the month of December 1999. Assuming that 144 peace order proceedings per year are transferred from District Court to juvenile court, it is expected that any associated increase in workload for the Department of Juvenile Justice could be handled using existing budgeted resources.

Local Fiscal Effect: It is expected that the circuit court system (of which the juvenile court is a part, except in Montgomery County) could handle any increased workload resulting from the bill using existing budgeted resources.

Additional Information

Prior Introductions: None.

Cross File: SB 592 (Senator Stone) - Judicial Proceedings.

Information Source(s): Department of Juvenile Justice, Judiciary (Administrative Office of the Courts, District Court of Maryland), Maryland State's Attorneys' Association, Department of Legislative Services

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