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By: **Delegates Grosfeld, R. Baker, Barkley, Benson, Billings, Bobo, Boschert, Bronrott, Cadden, Cole, Cryor, D'Amato, Doory, Eckardt, Franchot, Frush, Giannetti, Gladden, Goldwater, Griffith, Healey, Hecht, Hixson, Howard, Hurson, Hutchins, Kagan, Kopp, Love, Mandel, Marriott, Menes, Moe, Morhaim, Pendergrass, Petzold, Phillips, Shriver, Stern, Turner, and Zirkin**

Introduced and read first time: January 24, 2001  
Assigned to: Judiciary

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 16, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Domestic Violence - Out-of-State Orders for Protection - Enforcement**

3 FOR the purpose of specifying procedures for the enforcement of out-of-state orders  
4 for protection; prohibiting a District Court commissioner from authorizing the  
5 pretrial release of a defendant charged with violating certain provisions of an  
6 out-of-state order for protection; defining a certain term; altering a certain  
7 definition; providing certain immunity to a law enforcement officer under  
8 certain circumstances; making certain clarifying and conforming changes; and  
9 generally relating to domestic violence.

10 BY repealing and reenacting, with amendments,  
11 Article 88B - Department of State Police  
12 Section 7A(a)  
13 Annotated Code of Maryland  
14 (1998 Replacement Volume and 2000 Supplement)

15 BY adding to  
16 Article - Courts and Judicial Proceedings  
17 Section 5-610.1  
18 Annotated Code of Maryland  
19 (1998 Replacement Volume and 2000 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article - Criminal Procedure  
3 Section 5-202(e)(1)  
4 Annotated Code of Maryland  
5 (As enacted by Chapter \_\_\_\_ (S.B. 1) of the Acts of the General Assembly of 2001)

6 BY repealing and reenacting, with amendments,  
7 Article - Family Law  
8 Section 4-508.1  
9 Annotated Code of Maryland  
10 (1999 Replacement Volume and 2000 Supplement)

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

13 **Article 88B - Department of State Police**

14 7A.

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

16 (2) "Civil child support warrant" means any of the following, when  
17 issued for the enforcement of a child support order:

18 (i) An arrest warrant;

19 (ii) A bench warrant;

20 (iii) A body attachment issued by a circuit court; or

21 (iv) A warrant for failure to appear.

22 (3) "Civil protective order" means:

23 (i) An ex parte order issued under § 4-505 of the Family Law  
24 Article;

25 (ii) A protective order issued under § 4-506 of the Family Law  
26 Article; or

27 (iii) [A protective order] AN ORDER FOR PROTECTION, AS DEFINED  
28 IN § 4-508.1 OF THE FAMILY LAW ARTICLE, issued by a court of another state or [an  
29 Indian] A NATIVE AMERICAN tribe that has been filed with the District Court or a  
30 circuit court under § 4-508.1 of the Family Law Article.

31 (4) "System" means the Maryland Interagency Law Enforcement  
32 System.

1 **Article - Courts and Judicial Proceedings**

2 5-610.1.

3 A LAW ENFORCEMENT OFFICER ENFORCING AN OUT-OF-STATE ORDER FOR  
4 PROTECTION FROM DOMESTIC VIOLENCE IN ACCORDANCE WITH § 4-508.1 OF THE  
5 FAMILY LAW ARTICLE SHALL BE IMMUNE FROM CIVIL LIABILITY IF THE LAW  
6 ENFORCEMENT OFFICER ACTS IN GOOD FAITH AND IN A REASONABLE MANNER.

7 **Article - Criminal Procedure**

8 5-202.

9 (e) (1) A District Court commissioner may not authorize the pretrial release  
10 of a defendant charged with violating:

11 (i) the provisions of an ex parte order described in § 4-505(a)(2)(i)  
12 of the Family Law Article or the provisions of a protective order described in §  
13 4-506(d)(1) of the Family Law Article that order the defendant to refrain from  
14 abusing or threatening to abuse a person eligible for relief; or

15 (ii) the provisions of [a protective order] AN ORDER FOR  
16 PROTECTION, AS DEFINED IN § 4-508.1 OF THE FAMILY LAW ARTICLE, issued by a  
17 court of another state or of a Native American tribe that order the defendant to  
18 refrain from abusing or threatening to abuse a person eligible for relief, if the order is  
19 enforceable under § 4-508.1 of the Family Law Article.

20 **Article - Family Law**

21 4-508.1.

22 (A) (1) IN THIS SECTION, "ORDER FOR PROTECTION" MEANS A TEMPORARY  
23 OR FINAL ORDER OR INJUNCTION THAT:

24 (I) IS ISSUED FOR THE PURPOSE OF PREVENTING VIOLENT OR  
25 THREATENING ACTS OR HARASSMENT AGAINST, CONTACT OR COMMUNICATION  
26 WITH, OR PHYSICAL PROXIMITY TO ANOTHER PERSON;

27 (II) IS ISSUED BY A CIVIL COURT IN RESPONSE TO A COMPLAINT,  
28 PETITION, OR MOTION FILED BY OR ON BEHALF OF A PERSON SEEKING PROTECTION  
29 OR BY A CRIMINAL COURT; AND

30 (III) IS OBTAINED BY FILING AN INDEPENDENT ACTION OR AS A  
31 PENDENTE LITE ORDER IN ANOTHER PROCEEDING.

32 (2) "ORDER FOR PROTECTION" DOES NOT INCLUDE A SUPPORT OR CHILD  
33 CUSTODY ORDER.

1 [(a)] (B) [A protective order] AN ORDER FOR PROTECTION issued by a court of  
2 another state or [an Indian] A NATIVE AMERICAN tribe shall be accorded full faith  
3 and credit by a court of this State and shall be enforced:

4 (1) IN THE CASE OF AN EX PARTE ORDER FOR PROTECTION, ONLY TO  
5 THE EXTENT THAT THE ORDER AFFORDS RELIEF THAT IS PERMITTED UNDER ~~§ 4-505~~  
6 ~~(A) § 4-505~~ OF THIS SUBTITLE; AND

7 (2) IN THE CASE OF AN ORDER FOR PROTECTION, OTHER THAN AN EX  
8 PARTE ORDER FOR PROTECTION, only to the extent that the order affords relief that is  
9 permitted under § 4-506(d) of this subtitle.

10 [(b)] (C) A law enforcement officer shall arrest with or without a warrant and  
11 take into custody a person whom the officer has probable cause to believe is in  
12 violation of [a protective order] AN ORDER FOR PROTECTION that was issued by a  
13 court of another state or [an Indian] A NATIVE AMERICAN tribe and is in effect at the  
14 time of the violation if the person seeking the assistance of the law enforcement  
15 officer:

16 (1) has filed with the District Court or circuit court for the jurisdiction in  
17 which the person seeks assistance a copy of the order [that is authenticated in  
18 accordance with an act of Congress or statute of the issuing state]; or

19 (2) displays or presents to the law enforcement officer a copy of the order  
20 that [is authenticated in accordance with an act of Congress or statute of the issuing  
21 state] APPEARS VALID ON ITS FACE.

22 (D) A LAW ENFORCEMENT OFFICER ACTING IN ACCORDANCE WITH THIS  
23 SECTION SHALL BE IMMUNE FROM CIVIL LIABILITY IF THE LAW ENFORCEMENT  
24 OFFICER ACTS IN GOOD FAITH AND IN A REASONABLE MANNER.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2001.