

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 254
Judiciary

(Delegate Grosfeld, et al.)

Judicial Proceedings

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

This bill relates to the enforcement of out-of-State orders for protection from domestic violence. A law enforcement officer enforcing an out-of-State order for protection in accordance with statutory provisions shall be immune from civil liability if the law enforcement officer acts in good faith and in a reasonable manner. The bill also defines “order for protection” and replaces the term “protective order” in relevant provisions of law with “order for protection.” A Maryland court must enforce an out-of-State ex parte order for protection only to the extent that relief is permitted under Maryland law. In addition, the bill eliminates the requirement that a person seeking to enforce an out-of-State order for protection submit an authenticated copy of the order. The copy need only appear valid on its face.

Fiscal Summary

State Effect: The bill’s provisions are not expected to have a significant impact on governmental operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The current statute relating to enforcement of out-of-State protective orders does not specifically provide immunity to a law enforcement officer enforcing its provisions. A Maryland court must accord full faith and credit to a protective order

issued by a court of another state or an Indian tribe, and must enforce the order only to the extent that the order affords relief that is permitted under Maryland law. A person seeking to enforce an out-of-State protective order must file with the court or present to the law enforcement officer an authenticated copy of the order.

Additional Information

Prior Introductions: None.

Cross File: SB 481 (Senator Green, *et al.*) – Judicial Proceedings.

Information Source(s): Department of State Police, Judiciary (District Court of Maryland), Department of Legislative Services

Fiscal Note History: First Reader – February 22, 2001
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