

SENATE BILL 501

Unofficial Copy
D4

2002 Regular Session
(2lr0991)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Chairman, Judicial Proceedings Committee (Maryland
Judicial Conference) and Senators Astle, Baker, Blount, Bromwell,
Colburn, Collins, Conway, DeGrange, Della, Dorman, Ferguson,
Forehand, Frosh, Green, Hafer, Haines, Hoffman, Hogan, Hollinger,
Hooper, Hughes, Jacobs, Jimeno, Kasemeyer, Kelley, Lawlah,
McFadden, Middleton, Mitchell, Neall, Pinsky, Ruben, Sfikas, Stone,
Teitelbaum, and Van Hollen**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Interim Domestic Violence Orders and Interim Peace Orders - Issuance by**
3 **District Court Commissioners**

4 FOR the purpose of implementing the Constitutional amendment expanding the
5 authority of District Court commissioners to include the issuance of interim
6 orders for protection pending hearings on domestic violence and peace order
7 petitions; defining the scope of the authority of District Court commissioners to
8 issue interim orders; authorizing a petitioner for a domestic violence order or
9 peace order to file a petition with a District Court commissioner under certain
10 circumstances; establishing that a petitioner for a domestic violence order may
11 not be required to pay a filing fee or costs for the issuance or service of an

1 interim order issued by a District Court commissioner; specifying the types of
2 relief that may be granted in an interim domestic violence order or interim
3 peace order; requiring interim orders to contain certain statements; requiring a
4 temporary order hearing to be held within a certain time period after issuance of
5 an interim order except under certain circumstances; providing for the service
6 and return of service of interim orders; providing for the transfer of case files
7 from District Court commissioners to courts; requiring a law enforcement officer
8 to take certain actions on receipt of a petition and interim order; establishing
9 that an interim order is effective for a certain period of time; establishing that a
10 decision of a District Court commissioner to grant or deny interim relief is not
11 binding on and does not affect any power or duty of a judge; making it a crime
12 subject to certain penalties to knowingly provide false information on a certain
13 petition; eliminating the requirement that a hearing on a petition for a
14 temporary domestic violence order or a temporary peace order be ex parte;
15 authorizing a court to proceed with a protective order hearing or peace order
16 hearing under certain circumstances; authorizing the court to ~~wave~~ wave a
17 certain hearing under certain circumstances; making a violation of an interim
18 domestic violence order or interim peace order a crime subject to certain
19 penalties; requiring a law enforcement officer to arrest with or without a
20 warrant an individual who violates an interim domestic violence order or
21 interim peace order under certain circumstances; clarifying language; making
22 certain conforming changes; making this Act subject to a certain contingency;
23 defining certain terms; and generally relating to interim domestic violence
24 orders and interim peace orders.

25 BY renumbering

26 Article - Courts and Judicial Proceedings
27 Section 2-607(d) and 3-1501(b), (c), (d), and (e), respectively
28 to be Section 2-607(c)(5) and 3-1501(c), (f), (g), and (h), respectively
29 Annotated Code of Maryland
30 (1998 Replacement Volume and 2001 Supplement)

31 BY renumbering

32 Article - Family Law
33 Section 4-501(e), (f), (g), (h), (i), (j), (k), (l), (m), and (n), respectively
34 to be Section 4-501(f), (g), (i), (k), (l), (m), (n), (o), (q), and (r), respectively
35 Annotated Code of Maryland
36 (1999 Replacement Volume and 2001 Supplement)

37 BY adding to

38 Article - Courts and Judicial Proceedings
39 Section 2-607(d), 3-1501(b), (d), (e), and (i), and 3-1503.1
40 Annotated Code of Maryland
41 (1998 Replacement Volume and 2001 Supplement)

42 BY repealing and reenacting, with amendments,

1 Article - Courts and Judicial Proceedings
 2 Section 3-1503(a) and (c), 3-1504, 3-1505, 3-1506, 3-1507, ~~and~~ 3-1508, and
 3 4-401(14)
 4 Annotated Code of Maryland
 5 (1998 Replacement Volume and 2001 Supplement)

6 BY adding to
 7 Article - Family Law
 8 Section 4-501(e), (h), (j), and (p) and 4-504.1
 9 Annotated Code of Maryland
 10 (1999 Replacement Volume and 2001 Supplement)

11 BY repealing and reenacting, with amendments,
 12 Article - Family Law
 13 Section 4-503(a)(2)(iii), 4-504, 4-505, 4-506, 4-507, 4-508, and 4-509
 14 Annotated Code of Maryland
 15 (1999 Replacement Volume and 2001 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 17 MARYLAND, That Section(s) 2-607(d) and 3-1501(b), (c), (d), and (e), respectively, of
 18 Article - Courts and Judicial Proceedings of the Annotated Code of Maryland be
 19 renumbered to be Section(s) 2-607(c)(5) and 3-1501(c), (f), (g), and (h), respectively.

20 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 4-501(e), (f),
 21 (g), (h), (i), (j), (k), (l), (m), and (n), respectively, of Article - Family Law of the
 22 Annotated Code of Maryland be renumbered to be Section(s) 4-501(f), (g), (i), (k), (l),
 23 (m), (n), (o), (q), and (r), respectively.

24 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 25 read as follows:

26 **Article - Courts and Judicial Proceedings**

27 2-607.

28 (D) (1) THE AUTHORITY UNDER THIS SUBSECTION APPLIES ONLY TO A
 29 RESPONDENT WHO IS AN ADULT.

30 (2) A COMMISSIONER MAY ISSUE AN INTERIM ORDER FOR PROTECTION
 31 OF A PERSON ELIGIBLE FOR RELIEF IN ACCORDANCE WITH § 4-504.1 OF THE FAMILY
 32 LAW ARTICLE OR A PETITIONER IN ACCORDANCE WITH § 3-1503.1 OF THIS ARTICLE.

33 3-1501.

34 (B) "COMMISSIONER" MEANS A DISTRICT COURT COMMISSIONER APPOINTED
 35 IN ACCORDANCE WITH ARTICLE IV, § 41G OF THE MARYLAND CONSTITUTION.

1 (D) "FINAL PEACE ORDER" MEANS A PEACE ORDER ISSUED BY A JUDGE
2 UNDER § 3-1505 OF THIS SUBTITLE.

3 (E) "INTERIM PEACE ORDER" MEANS AN ORDER THAT A COMMISSIONER
4 ISSUES UNDER THIS SUBTITLE PENDING A HEARING BY A JUDGE ON A PETITION.

5 (I) "TEMPORARY PEACE ORDER" MEANS A PEACE ORDER ISSUED BY A JUDGE
6 UNDER § 3-1504 OF THIS SUBTITLE.

7 3-1503.

8 (a) A petitioner may seek relief under this subtitle by filing with the court, OR
9 WITH A COMMISSIONER UNDER THE CIRCUMSTANCES SPECIFIED IN § 3-1503.1(A) OF
10 THIS SUBTITLE, a petition that alleges the commission of any of the following acts
11 against the petitioner by the respondent, if the act occurred within 30 days before the
12 filing of the petition:

13 (1) An act that causes serious bodily harm;

14 (2) An act that places the petitioner in fear of imminent serious bodily
15 harm;

16 (3) Assault in any degree;

17 (4) Rape or sexual offense, as defined by Article 27, §§ 462 through 464C
18 of the Code or attempted rape or sexual offense in any degree;

19 (5) False imprisonment;

20 (6) Harassment, as described in Article 27, § 123 of the Code;

21 (7) Stalking, as described in Article 27, § 124 of the Code;

22 (8) Trespass, as described in the trespass subheading of Article 27 of the
23 Code; or

24 (9) Malicious destruction of property, as described in Article 27, § 111 of
25 the Code.

26 (c) [In] IF, IN a proceeding under [§ 3-1504 or § 3-1505 of] this subtitle, [if
27 the] A petitioner alleges, and the [court] COMMISSIONER OR JUDGE finds, that the
28 disclosure of the address of the petitioner would risk further harm to the petitioner,
29 that address may be stricken from the petition and omitted from all other documents
30 filed with the COMMISSIONER OR FILED WITH, OR TRANSFERRED TO, A court.

31 3-1503.1.

32 (A) A PETITION UNDER THIS SUBTITLE MAY BE FILED WITH A COMMISSIONER
33 WHEN THE OFFICE OF THE DISTRICT COURT CLERK IS NOT OPEN FOR BUSINESS.

1 (B) IF A PETITION IS FILED WITH A COMMISSIONER AND THE COMMISSIONER
2 FINDS THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE
3 RESPONDENT HAS COMMITTED, AND IS LIKELY TO COMMIT IN THE FUTURE, AN ACT
4 SPECIFIED IN § 3-1503(A) OF THIS SUBTITLE AGAINST THE PETITIONER, THE
5 COMMISSIONER MAY ISSUE AN INTERIM PEACE ORDER TO PROTECT THE
6 PETITIONER.

7 (C) AN INTERIM PEACE ORDER:

8 (1) SHALL CONTAIN ONLY THE RELIEF THAT IS MINIMALLY NECESSARY
9 TO PROTECT THE PETITIONER; AND

10 (2) MAY ORDER THE RESPONDENT TO:

11 (I) REFRAIN FROM COMMITTING OR THREATENING TO COMMIT AN
12 ACT SPECIFIED IN § 3-1503(A) OF THIS SUBTITLE AGAINST THE PETITIONER;

13 (II) REFRAIN FROM CONTACTING, ATTEMPTING TO CONTACT, OR
14 HARASSING THE PETITIONER;

15 (III) REFRAIN FROM ENTERING THE RESIDENCE OF THE
16 PETITIONER; AND

17 (IV) REMAIN AWAY FROM THE PLACE OF EMPLOYMENT, SCHOOL,
18 OR TEMPORARY RESIDENCE OF THE PETITIONER.

19 (D) (1) (I) AN INTERIM PEACE ORDER SHALL STATE THE DATE, TIME, AND
20 LOCATION FOR THE TEMPORARY PEACE ORDER HEARING AND A TENTATIVE DATE,
21 TIME, AND LOCATION FOR A FINAL PEACE ORDER HEARING.

22 (II) A TEMPORARY PEACE ORDER HEARING SHALL BE HELD ON THE
23 FIRST OR SECOND DAY ON WHICH A DISTRICT COURT JUDGE IS SITTING AFTER
24 ISSUANCE OF THE INTERIM PEACE ORDER, UNLESS THE COURT CONTINUES THE
25 HEARING FOR GOOD CAUSE.

26 (2) AN INTERIM PEACE ORDER SHALL INCLUDE IN AT LEAST 10-POINT
27 BOLD TYPE:

28 (I) NOTICE TO THE RESPONDENT THAT:

29 1. THE RESPONDENT MUST GIVE THE COURT WRITTEN
30 NOTICE OF EACH CHANGE OF ADDRESS; ~~AND~~

31 2. IF THE RESPONDENT FAILS TO APPEAR AT THE
32 TEMPORARY PEACE ORDER HEARING OR ANY LATER HEARING, THE RESPONDENT
33 MAY BE SERVED WITH ANY OTHER ORDERS OR NOTICES IN THE CASE BY
34 FIRST-CLASS MAIL AT THE RESPONDENT'S LAST KNOWN ADDRESS;

35 3. THE DATE, TIME, AND LOCATION OF THE FINAL PEACE
36 ORDER HEARING IS TENTATIVE ONLY, AND SUBJECT TO CHANGE; AND

1 (2) THE END OF THE SECOND BUSINESS DAY THE OFFICE OF THE
2 CLERK OF THE DISTRICT COURT IS OPEN FOLLOWING THE ISSUANCE OF AN INTERIM
3 PEACE ORDER.

4 (H) A DECISION OF A COMMISSIONER TO GRANT OR DENY RELIEF UNDER THIS
5 SECTION IS NOT BINDING ON, AND DOES NOT AFFECT ANY POWER GRANTED TO OR
6 DUTY IMPOSED ON, A JUDGE OF A CIRCUIT COURT OR THE DISTRICT COURT UNDER
7 ANY LAW, INCLUDING ANY POWER TO GRANT OR DENY A PETITION FOR A
8 TEMPORARY PEACE ORDER OR FINAL PEACE ORDER.

9 (1) AN INDIVIDUAL WHO KNOWINGLY PROVIDES FALSE INFORMATION IN A
10 PETITION FILED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON
11 CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT
12 EXCEEDING 90 DAYS OR BOTH.

13 3-1504.

14 (a) (1) If AFTER A HEARING ON a petition [is filed under § 3-1503 of this
15 subtitle and the court], WHETHER EX PARTE OR OTHERWISE, A JUDGE finds that
16 there are reasonable grounds to believe that the respondent has committed, and is
17 likely to commit in the future, an act specified in § 3-1503(a) of this subtitle against
18 the petitioner, the [court, in an ex parte proceeding,] JUDGE may issue a temporary
19 peace order to protect the petitioner.

20 (2) The temporary peace order may include any or all of the following
21 relief:

22 (i) Order the respondent to refrain from committing or threatening
23 to commit an act specified in § 3-1503(a) of this subtitle against the petitioner;

24 (ii) Order the respondent to refrain from contacting, attempting to
25 contact, or harassing the petitioner;

26 (iii) Order the respondent to refrain from entering the residence of
27 the petitioner; and

28 (iv) Order the respondent to remain away from the place of
29 employment, school, or temporary residence of the petitioner.

30 (3) If the [court] JUDGE issues an order under this section, the order
31 shall contain only the relief that is minimally necessary to protect the petitioner.

32 (b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
33 A law enforcement officer immediately shall serve the temporary peace order on the
34 respondent.

35 (2) A RESPONDENT WHO HAS BEEN SERVED WITH AN INTERIM PEACE
36 ORDER UNDER § 3-1503.1 OF THIS SUBTITLE SHALL BE SERVED WITH THE
37 TEMPORARY PEACE ORDER IN OPEN COURT OR, IF THE RESPONDENT IS NOT

1 PRESENT AT THE TEMPORARY PEACE ORDER HEARING, BY FIRST-CLASS MAIL AT
2 THE RESPONDENT'S LAST KNOWN ADDRESS.

3 (c) (1) The temporary peace order shall be effective for not more than 7 days
4 after service of the order.

5 (2) The [court] JUDGE may extend the temporary peace order as needed,
6 but not to exceed 30 days, to effectuate service of the order where necessary to provide
7 protection or for other good cause.

8 (D) THE JUDGE MAY PROCEED WITH A FINAL PEACE ORDER HEARING
9 INSTEAD OF A TEMPORARY PEACE ORDER HEARING IF:

10 (1) (I) THE RESPONDENT APPEARS AT THE HEARING;

11 (II) THE RESPONDENT HAS BEEN SERVED WITH AN INTERIM PEACE
12 ORDER; OR

13 (III) THE COURT OTHERWISE HAS PERSONAL JURISDICTION OVER
14 THE RESPONDENT; AND

15 (2) THE PETITIONER AND THE RESPONDENT EXPRESSLY CONSENT TO
16 WAIVE THE TEMPORARY PEACE ORDER HEARING.

17 3-1505.

18 (a) A respondent shall have an opportunity to be heard on the question of
19 whether the [court] JUDGE should issue a FINAL peace order.

20 (b) (1) (i) The temporary peace order shall state the date and time of the
21 FINAL peace order hearing.

22 (ii) Unless continued for good cause, the FINAL peace order hearing
23 shall be held no later than 7 days after the temporary peace order is served on the
24 respondent.

25 (2) The temporary peace order shall include notice to the respondent:

26 (i) In at least 10-point bold type, that if the respondent fails to
27 appear at the FINAL peace order hearing, the respondent may be served by first-class
28 mail at the respondent's last known address with the FINAL peace order and all other
29 notices concerning the FINAL peace order;

30 (ii) Specifying all the possible forms of relief under subsection (d) of
31 this section that the FINAL peace order may contain;

32 (iii) That the FINAL peace order shall be effective for the period
33 stated in the order, not to exceed 6 months; and

34 (iv) In at least 10-point bold type, that the respondent must notify
35 the court in writing of any change of address.

1 (c) (1) If the respondent appears for the FINAL peace order hearing, has
2 been served with [the] AN INTERIM PEACE ORDER OR A temporary peace order, or the
3 court otherwise has personal jurisdiction over the respondent, the [court] JUDGE:

4 (i) May proceed with the FINAL peace order hearing; and

5 (ii) If the [court] JUDGE finds by clear and convincing evidence
6 that the respondent has committed, and is likely to commit in the future, an act
7 specified in § 3-1503(a) of this subtitle against the petitioner, or if the respondent
8 consents to the entry of a peace order, the court may issue a FINAL peace order to
9 protect the petitioner.

10 (2) A FINAL peace order may be issued only to an individual who has
11 filed a petition under § 3-1503 of this subtitle.

12 (3) In cases where both parties file a petition under § 3-1503 of this
13 subtitle, the [court] JUDGE may issue mutual peace orders if the [court] JUDGE
14 finds by clear and convincing evidence that each party has committed, and is likely to
15 commit in the future, an act specified in § 3-1503(a) of this subtitle against the other
16 party.

17 (d) (1) The FINAL peace order may include any or all of the following relief:

18 (i) Order the respondent to refrain from committing or threatening
19 to commit an act specified in § 3-1503(a) of this subtitle against the petitioner;

20 (ii) Order the respondent to refrain from contacting, attempting to
21 contact, or harassing the petitioner;

22 (iii) Order the respondent to refrain from entering the residence of
23 the petitioner;

24 (iv) Order the respondent to remain away from the place of
25 employment, school, or temporary residence of the petitioner;

26 (v) Direct the respondent or petitioner to participate in
27 professionally supervised counseling or, if the parties are amenable, mediation; and

28 (vi) Order either party to pay filing fees and costs of a proceeding
29 under this subtitle.

30 (2) If the [court] JUDGE issues an order under this section, the order
31 shall contain only the relief that is minimally necessary to protect the petitioner.

32 (e) (1) A copy of the FINAL peace order shall be served on the petitioner, the
33 respondent, the appropriate law enforcement agency, and any other person the court
34 determines is appropriate, in open court or, if the person is not present at the FINAL
35 peace order hearing, by first-class mail to the person's last known address.

1 (2) (i) A copy of the FINAL peace order served on the respondent in
2 accordance with paragraph (1) of this subsection constitutes actual notice to the
3 respondent of the contents of the FINAL peace order.

4 (ii) Service is complete upon mailing.

5 (f) All relief granted in a FINAL peace order shall be effective for the period
6 stated in the order, not to exceed 6 months.

7 3-1506.

8 (a) [The court that issued the] A peace order may [modify or rescind the
9 peace order] BE MODIFIED OR RESCINDED during the term of the peace order after:

10 (1) Giving notice to the petitioner and the respondent; and

11 (2) A hearing.

12 (b) (1) If [the] A District Court JUDGE grants or denies relief under a
13 petition filed under this subtitle, a respondent or a petitioner may appeal to the
14 circuit court for the county where the District Court is located.

15 (2) An appeal taken under this subsection to the circuit court shall be
16 heard de novo in the circuit court.

17 (3) (i) If an appeal is filed under this subsection, the District Court
18 judgment shall remain in effect until superseded by a judgment of the circuit court.

19 (ii) Unless the circuit court orders otherwise, modification or
20 enforcement of the District Court order shall be by the District Court.

21 3-1507.

22 (A) [The] AN INTERIM PEACE ORDER, temporary peace [order] ORDER, and
23 FINAL peace order issued under this subtitle shall state that a violation of the order
24 may result in:

25 (1) [A finding of contempt;

26 (2)] Criminal prosecution; and

27 [(3)] (2) Imprisonment or fine or both.

28 (B) A TEMPORARY PEACE ORDER AND FINAL PEACE ORDER ISSUED UNDER
29 THIS SUBTITLE SHALL STATE THAT A VIOLATION OF THE ORDER MAY RESULT IN A
30 FINDING OF CONTEMPT.

31 3-1508.

32 (a) An individual who fails to comply with the relief granted in AN INTERIM
33 PEACE ORDER UNDER § 3-1503.1 OF THIS SUBTITLE, a temporary peace order under §

1 3-1504(a)(2) of this [subtitle] SUBTITLE, or [in] a FINAL peace order under §
2 3-1505(d)(1)(i), (ii), (iii), or (iv) of this subtitle is guilty of a misdemeanor and on
3 conviction is subject, for each offense, to a fine not exceeding \$1,000 or imprisonment
4 not exceeding 90 days or both.

5 (b) A law enforcement officer shall arrest with or without a warrant and take
6 into custody an individual [whom] WHO the officer has probable cause to believe is in
7 violation of [a] AN INTERIM PEACE ORDER, temporary peace [order] ORDER, or
8 FINAL peace order in effect at the time of the violation.

9 4-401.

10 Except as provided in § 4-402 of this subtitle, and subject to the venue provisions
11 of Title 6 of this article, the District Court has exclusive original civil jurisdiction in:

12 (14) A proceeding for a temporary peace order or A FINAL peace order
13 under Title 3, Subtitle 15 of this article;

14 **Article - Family Law**

15 4-501.

16 (E) "COMMISSIONER" MEANS A DISTRICT COURT COMMISSIONER APPOINTED
17 IN ACCORDANCE WITH ARTICLE IV § 41G OF THE MARYLAND CONSTITUTION.

18 (H) "FINAL PROTECTIVE ORDER" MEANS A PROTECTIVE ORDER ISSUED
19 UNDER § 4-506 OF THIS SUBTITLE.

20 (J) "INTERIM PROTECTIVE ORDER" MEANS AN ORDER THAT A COMMISSIONER
21 ISSUES UNDER THIS SUBTITLE PENDING A HEARING BY A JUDGE ON A PETITION.

22 (P) "TEMPORARY PROTECTIVE ORDER" MEANS A PROTECTIVE ORDER ISSUED
23 UNDER § 4-505 OF THIS SUBTITLE.

24 4-503.

25 (a) A law enforcement officer who responds to a request for help under § 4-502
26 of this Part I of this subtitle shall give the victim a written notice that:

27 (2) states that:

28 (iii) the victim may file in the District Court or a circuit court
29 [under this subtitle] OR, WHEN NEITHER THE OFFICE OF THE CLERK OF THE
30 CIRCUIT COURT NOR THE OFFICE OF THE DISTRICT COURT CLERK IS OPEN, WITH A
31 COMMISSIONER, a petition [for relief from abuse] UNDER THIS SUBTITLE; and

32 4-504.

33 (a) A petitioner may seek relief from abuse by filing with a court, OR WITH A
34 COMMISSIONER UNDER THE CIRCUMSTANCES SPECIFIED IN § 4-504.1(A) OF THIS

1 SUBTITLE, a petition that alleges abuse of any person eligible for relief by the
2 respondent.

3 (b) (1) The petition shall:

4 (i) be under oath; and

5 (ii) include any information known to the petitioner of:

6 1. the nature and extent of the abuse for which the relief is
7 being sought, including information known to the petitioner concerning previous
8 injury resulting from abuse by the respondent;

9 2. each previous action between the parties in any court;

10 3. each pending action between the parties in any court;

11 4. the whereabouts of the respondent, if known;

12 5. if financial relief is requested, information known to the
13 petitioner regarding the financial resources of the respondent; and

14 6. in a case of alleged child abuse or alleged abuse of a
15 vulnerable adult, the whereabouts of the child or vulnerable adult and any other
16 information relating to the abuse of the child or vulnerable adult.

17 (2) If the petition states that disclosure of the address of a person eligible
18 for relief would risk further abuse of a person eligible for relief, or reveal the
19 confidential address of a shelter for domestic violence victims, that address may be
20 omitted from all documents filed with [the] A COMMISSIONER OR FILED WITH, OR
21 TRANSFERRED TO, A court. If disclosure is necessary to determine jurisdiction or
22 consider any venue issue, it shall be made orally and in camera and may not be
23 disclosed to the respondent.

24 (c) The petitioner may not be required to pay a filing fee or costs for the
25 issuance or service of:

26 (1) AN INTERIM PROTECTIVE ORDER;

27 [(1)] (2) a temporary [ex parte] PROTECTIVE order;

28 [(2)] (3) a FINAL protective order; or

29 [(3)] (4) a witness subpoena.

30 [(d) (1) When the court finds reasonable grounds to believe that abuse of a
31 child, as defined in Title 5, Subtitle 7 of this article, or abuse of a vulnerable adult, as
32 defined in Title 14, Subtitle 1 of this article, has occurred, the court shall forward a
33 copy of the petition and the ex parte order to the local department.

1 (2) When the local department receives the petition and the ex parte
2 order from the court, the local department shall:

3 (i) 1. investigate the alleged abuse as provided in Title 5,
4 Subtitle 7 of this article; or

5 2. investigate the alleged abuse as provided in Title 14,
6 Subtitle 3 of this article; and

7 (ii) forward a copy of the report of the investigation to the court by
8 the date of the protective order hearing.]

9 4-504.1.

10 (A) A PETITION UNDER THIS SUBTITLE MAY BE FILED WITH A COMMISSIONER
11 WHEN NEITHER THE OFFICE OF THE CLERK OF THE CIRCUIT COURT NOR THE
12 OFFICE OF THE DISTRICT COURT CLERK IS OPEN FOR BUSINESS.

13 (B) IF A PETITION IS FILED WITH A COMMISSIONER AND THE COMMISSIONER
14 FINDS THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE
15 RESPONDENT HAS ABUSED A PERSON ELIGIBLE FOR RELIEF, THE COMMISSIONER
16 MAY ISSUE AN INTERIM PROTECTIVE ORDER TO PROTECT A PERSON ELIGIBLE FOR
17 RELIEF.

18 (C) AN INTERIM PROTECTIVE ORDER MAY:

19 (1) ORDER THE RESPONDENT TO REFRAIN FROM FURTHER ABUSE OR
20 THREATS OF ABUSE OF A PERSON ELIGIBLE FOR RELIEF;

21 (2) ORDER THE RESPONDENT TO REFRAIN FROM CONTACTING,
22 ATTEMPTING TO CONTACT, OR HARASSING A PERSON ELIGIBLE FOR RELIEF;

23 (3) ORDER THE RESPONDENT TO REFRAIN FROM ENTERING THE
24 RESIDENCE OF A PERSON ELIGIBLE FOR RELIEF;

25 (4) IF A PERSON ELIGIBLE FOR RELIEF AND THE RESPONDENT ARE
26 RESIDING TOGETHER AT THE TIME OF THE ALLEGED ABUSE:

27 (I) ORDER THE RESPONDENT TO VACATE THE HOME
28 IMMEDIATELY;

29 (II) AWARD TO A PERSON ELIGIBLE FOR RELIEF CUSTODY OF ANY
30 CHILD OF THE PERSON ELIGIBLE FOR RELIEF AND RESPONDENT THEN RESIDING IN
31 THE HOME; AND

32 (III) SUBJECT TO THE LIMITS AS TO A NONSPOUSE SPECIFIED IN §
33 4-505(A)(2)(IV) OF THIS SUBTITLE, AWARD TEMPORARY USE AND POSSESSION OF THE
34 HOME TO THE PERSON ELIGIBLE FOR RELIEF;

1 (5) IN A CASE ALLEGING ABUSE OF A CHILD, AWARD TEMPORARY
2 CUSTODY OF A MINOR CHILD OF THE RESPONDENT AND A PERSON ELIGIBLE FOR
3 RELIEF;

4 (6) IN A CASE ALLEGING ABUSE OF A VULNERABLE ADULT, SUBJECT TO
5 THE LIMITS AS TO A NONSPOUSE SPECIFIED IN § 4-505(A)(2)(IV) OF THIS SUBTITLE,
6 AWARD TEMPORARY USE AND POSSESSION OF THE HOME TO AN ADULT LIVING IN
7 THE HOME;

8 (7) ORDER THE RESPONDENT TO REMAIN AWAY FROM THE PLACE OF
9 EMPLOYMENT, SCHOOL, OR TEMPORARY RESIDENCE OF A PERSON ELIGIBLE FOR
10 RELIEF; OR

11 (8) ORDER THE RESPONDENT TO REMAIN AWAY FROM THE RESIDENCE
12 OF ANY FAMILY MEMBER OF A PERSON ELIGIBLE FOR RELIEF.

13 (D) (1) (I) AN INTERIM PROTECTIVE ORDER SHALL STATE THE DATE,
14 TIME, AND LOCATION FOR THE TEMPORARY PROTECTIVE ORDER HEARING AND A
15 TENTATIVE DATE, TIME, AND LOCATION FOR A FINAL PROTECTIVE ORDER HEARING.

16 (II) A TEMPORARY PROTECTIVE ORDER HEARING SHALL BE HELD
17 ON THE FIRST OR SECOND DAY ON WHICH A DISTRICT COURT JUDGE IS SITTING
18 AFTER ISSUANCE OF THE INTERIM PROTECTIVE ORDER, UNLESS THE JUDGE
19 CONTINUES THE HEARING FOR GOOD CAUSE.

20 (2) AN INTERIM PROTECTIVE ORDER SHALL INCLUDE IN AT LEAST
21 10-POINT BOLD TYPE:

22 (I) NOTICE TO THE RESPONDENT THAT:

23 1. THE RESPONDENT MUST GIVE THE COURT WRITTEN
24 NOTICE OF EACH CHANGE OF ADDRESS; ~~AND~~

25 2. IF THE RESPONDENT FAILS TO APPEAR AT THE
26 TEMPORARY PROTECTIVE ORDER HEARING OR ANY LATER HEARING, THE
27 RESPONDENT MAY BE SERVED WITH ANY ORDERS OR NOTICES IN THE CASE BY
28 FIRST-CLASS MAIL AT THE RESPONDENT'S LAST KNOWN ADDRESS;

29 3. THE DATE, TIME, AND LOCATION OF THE FINAL
30 PROTECTIVE ORDER HEARING IS TENTATIVE ONLY, AND SUBJECT TO CHANGE; AND

31 4. IF THE RESPONDENT DOES NOT ATTEND THE
32 TEMPORARY PROTECTIVE ORDER HEARING, THE RESPONDENT MAY CALL THE
33 OFFICE OF THE CLERK OF THE DISTRICT COURT AT THE NUMBER PROVIDED IN THE
34 ORDER TO FIND OUT THE ACTUAL DATE, TIME, AND LOCATION OF ANY FINAL
35 PROTECTIVE ORDER HEARING;

36 (II) A STATEMENT OF ALL POSSIBLE FORMS AND DURATION OF
37 RELIEF THAT A TEMPORARY PROTECTIVE ORDER OR FINAL PROTECTIVE ORDER MAY
38 CONTAIN;

1 (III) NOTICE TO THE PETITIONER AND RESPONDENT THAT, AT THE
2 HEARING, A JUDGE MAY ISSUE A TEMPORARY PROTECTIVE ORDER THAT GRANTS
3 ANY OR ALL OF THE RELIEF REQUESTED IN THE PETITION OR MAY DENY THE
4 PETITION, WHETHER OR NOT THE RESPONDENT IS IN COURT; ~~AND~~

5 (IV) A WARNING TO THE RESPONDENT THAT VIOLATION OF AN
6 INTERIM PROTECTIVE ORDER IS A CRIME AND THAT A LAW ENFORCEMENT OFFICER
7 SHALL ARREST THE RESPONDENT, WITH OR WITHOUT A WARRANT, AND TAKE THE
8 RESPONDENT INTO CUSTODY IF THE OFFICER HAS PROBABLE CAUSE TO BELIEVE
9 THAT THE RESPONDENT HAS VIOLATED ANY PROVISION OF THE INTERIM
10 PROTECTIVE ORDER; AND

11 (V) THE PHONE NUMBER OF THE OFFICE OF THE DISTRICT COURT
12 CLERK.

13 (E) WHENEVER A COMMISSIONER ISSUES AN INTERIM PROTECTIVE ORDER,
14 THE COMMISSIONER SHALL:

15 (1) IMMEDIATELY FORWARD A COPY OF THE PETITION AND INTERIM
16 PROTECTIVE ORDER TO THE APPROPRIATE LAW ENFORCEMENT AGENCY FOR
17 SERVICE ON THE RESPONDENT; AND

18 (2) BEFORE THE HEARING SCHEDULED IN THE INTERIM PROTECTIVE
19 ORDER, TRANSFER THE CASE FILE AND THE RETURN OF SERVICE, IF ANY, TO THE
20 OFFICE OF THE DISTRICT COURT CLERK.

21 (F) A LAW ENFORCEMENT OFFICER SHALL:

22 (1) IMMEDIATELY ON RECEIPT OF A PETITION AND INTERIM
23 PROTECTIVE ORDER, SERVE THEM ON THE RESPONDENT NAMED IN THE ORDER; AND

24 (2) IMMEDIATELY AFTER SERVICE, MAKE A RETURN OF SERVICE TO THE
25 COMMISSIONER'S OFFICE OR, IF THE OFFICE OF THE DISTRICT COURT CLERK IS
26 OPEN FOR BUSINESS, TO THE CLERK.

27 (G) AN INTERIM PROTECTIVE ORDER SHALL BE EFFECTIVE UNTIL ~~ISSUANCE~~
28 ~~OR DENIAL OF A TEMPORARY PROTECTIVE ORDER UNDER § 4-505 OF THIS SUBTITLE~~
29 THE EARLIER OF:

30 (1) THE TEMPORARY PROTECTIVE ORDER HEARING UNDER § 4-505 OF
31 THIS SUBTITLE; OR

32 (2) THE END OF THE SECOND BUSINESS DAY THE OFFICE OF THE
33 CLERK OF THE DISTRICT COURT IS OPEN FOLLOWING THE ISSUANCE OF AN INTERIM
34 PROTECTIVE ORDER.

35 (H) A DECISION OF A COMMISSIONER TO GRANT OR DENY RELIEF UNDER THIS
36 SECTION IS NOT BINDING ON, AND DOES NOT AFFECT ANY POWER GRANTED TO OR
37 DUTY IMPOSED ON, A JUDGE OF A CIRCUIT COURT OR THE DISTRICT COURT UNDER

1 ANY LAW, INCLUDING ANY POWER TO GRANT OR DENY A PETITION FOR A
2 TEMPORARY PROTECTIVE ORDER OR FINAL PROTECTIVE ORDER.

3 4-505.

4 (a) (1) If, AFTER A HEARING ON a petition [is filed under this subtitle and
5 the], WHETHER EX PARTE OR OTHERWISE, A [court] JUDGE finds that there are
6 reasonable grounds to believe that a person eligible for relief has been abused, the
7 [court, in an ex parte proceeding,] JUDGE may enter a temporary PROTECTIVE order
8 to protect any person eligible for relief from abuse.

9 (2) The temporary [ex parte] PROTECTIVE order may order any or all of
10 the following relief:

11 (i) order the respondent to refrain from further abuse or threats of
12 abuse of a person eligible for relief;

13 (ii) order the respondent to refrain from contacting, attempting to
14 contact, or harassing any person eligible for relief;

15 (iii) order the respondent to refrain from entering the residence of a
16 person eligible for relief;

17 (iv) where the person eligible for relief and the respondent are
18 residing together at the time of the alleged abuse, order the respondent to vacate the
19 home immediately and award temporary use and possession of the home to the person
20 eligible for relief or in the case of alleged abuse of a child or alleged abuse of a
21 vulnerable adult, award temporary use and possession of the home to an adult living
22 in the home, provided that the court may not grant an order to vacate and award
23 temporary use and possession of the home to a nonspouse person eligible for relief
24 unless the name of the person eligible for relief appears on the lease or deed to the
25 home or the person eligible for relief has resided in the home with the respondent for
26 a period of at least 90 days within 1 year before the filing of the petition;

27 (v) order the respondent to remain away from the place of
28 employment, school, or temporary residence of a person eligible for relief or home of
29 other family members;

30 (vi) order the respondent to remain away from a child care provider
31 of a person eligible for relief while a child of the person is in the care of the child care
32 provider; and

33 (vii) award temporary custody of a minor child of the person eligible
34 for relief and the respondent.

35 (b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
36 A law enforcement officer immediately shall serve the temporary [ex parte]
37 PROTECTIVE order on the alleged abuser under this section.

1 (2) A RESPONDENT WHO HAS BEEN SERVED WITH AN INTERIM
2 PROTECTIVE ORDER UNDER § 4-504.1 OF THIS SUBTITLE SHALL BE SERVED WITH THE
3 TEMPORARY PROTECTIVE ORDER IN OPEN COURT OR, IF THE RESPONDENT IS NOT
4 PRESENT AT THE TEMPORARY PROTECTIVE ORDER HEARING, BY FIRST-CLASS MAIL
5 AT THE RESPONDENT'S LAST KNOWN ADDRESS.

6 [(2)] (3) There shall be no cost to the petitioner for service of the
7 temporary [ex parte] PROTECTIVE order.

8 (c) (1) The temporary [ex parte] PROTECTIVE order shall be effective for
9 not more than 7 days after service of the order.

10 (2) The [court] JUDGE may extend the temporary [ex parte]
11 PROTECTIVE order as needed, but not to exceed 30 days, to effectuate service of the
12 order where necessary to provide protection or for other good cause.

13 (D) THE JUDGE MAY PROCEED WITH A FINAL PROTECTIVE ORDER HEARING
14 INSTEAD OF A TEMPORARY PROTECTIVE ORDER HEARING, IF:

15 (1) (I) THE RESPONDENT APPEARS AT THE HEARING;

16 (II) THE RESPONDENT HAS BEEN SERVED WITH AN INTERIM
17 PROTECTIVE ORDER; OR

18 (III) THE COURT OTHERWISE HAS PERSONAL JURISDICTION OVER
19 THE RESPONDENT; AND

20 (2) THE PETITIONER AND THE RESPONDENT EXPRESSLY CONSENT TO
21 WAIVE THE TEMPORARY PROTECTIVE ORDER HEARING.

22 (E) (1) WHENEVER A JUDGE FINDS REASONABLE GROUNDS TO BELIEVE
23 THAT ABUSE OF A CHILD, AS DEFINED IN TITLE 5, SUBTITLE 7 OF THIS ARTICLE, OR
24 ABUSE OF A VULNERABLE ADULT, AS DEFINED IN TITLE 14, SUBTITLE 1 OF THIS
25 ARTICLE, HAS OCCURRED, THE COURT SHALL FORWARD TO THE LOCAL
26 DEPARTMENT A COPY OF THE PETITION AND TEMPORARY PROTECTIVE ORDER.

27 (2) WHENEVER A LOCAL DEPARTMENT RECEIVES A PETITION AND
28 TEMPORARY PROTECTIVE ORDER FROM A COURT, THE LOCAL DEPARTMENT SHALL:

29 (I) INVESTIGATE THE ALLEGED ABUSE AS PROVIDED IN:

30 1. TITLE 5, SUBTITLE 7 OF THIS ARTICLE; OR

31 2. TITLE 14, SUBTITLE 3 OF THIS ARTICLE; AND

32 (II) BY THE DATE OF THE FINAL PROTECTIVE ORDER HEARING,
33 SEND TO THE COURT A COPY OF THE REPORT OF THE INVESTIGATION.

1 4-506.

2 (a) A respondent under § 4-505 of this subtitle shall have an opportunity to be
3 heard on the question of whether the [court] JUDGE should issue a FINAL protective
4 order.

5 (b) (1) (i) The temporary [ex parte] PROTECTIVE order shall state the
6 date and time of the FINAL protective order hearing.

7 (ii) Unless continued for good cause, the FINAL protective order
8 hearing shall be held no later than 7 days after the temporary [ex parte]
9 PROTECTIVE order is served on the respondent.

10 (2) The temporary [ex parte] PROTECTIVE order shall include notice to
11 the respondent:

12 (i) in at least 10-point bold type, that if the respondent fails to
13 appear at the FINAL protective order hearing, the respondent may be served by
14 first-class mail at the respondent's last known address with the FINAL protective
15 order and all other notices concerning the FINAL protective order;

16 (ii) specifying all the possible forms of relief under subsection (d) of
17 this section that the FINAL protective order may contain;

18 (iii) that the FINAL protective order shall be effective for the period
19 stated in the order, not to exceed 12 months, unless the [court] JUDGE extends the
20 term of the order, under § 4-507(a)(2) of this subtitle; and

21 (iv) in at least 10-point bold type, that the respondent must notify
22 the court in writing of any change of address.

23 (c) (1) If the respondent appears [for the] BEFORE THE COURT AT A
24 protective order hearing[,] OR has been served with [the] AN INTERIM OR temporary
25 [ex parte] PROTECTIVE order, or the court otherwise has personal jurisdiction over
26 the respondent, the [court] JUDGE:

27 (i) may proceed with the FINAL protective order hearing; and

28 (ii) if the [court] JUDGE finds by clear and convincing evidence
29 that the alleged abuse has occurred, or if the respondent consents to the entry of a
30 protective order, the [court] JUDGE may grant a FINAL protective order to protect
31 any person eligible for relief from abuse.

32 (2) A FINAL protective order may be issued only to a person who has filed
33 a petition under § 4-504 of this subtitle.

34 (3) (i) Subject to the provisions of subparagraph (ii) of this paragraph,
35 in cases where both parties file a petition under § 4-504 of this subtitle, the [court]
36 JUDGE may issue mutual protective orders if the [court] JUDGE finds by clear and
37 convincing evidence that mutual abuse has occurred.

1 (ii) The [court] JUDGE may issue mutual FINAL protective orders
2 only if the [court] JUDGE makes a detailed finding of fact that:

- 3 1. both parties acted primarily as aggressors; and
- 4 2. neither party acted primarily in self-defense.

5 (d) The FINAL protective order may include any or all of the following relief:

6 (1) order the respondent to refrain from abusing or threatening to abuse
7 any person eligible for relief;

8 (2) order the respondent to refrain from contacting, attempting to
9 contact, or harassing any person eligible for relief;

10 (3) order the respondent to refrain from entering the residence of any
11 person eligible for relief;

12 (4) where the person eligible for relief and the respondent are residing
13 together at the time of the abuse, order the respondent to vacate the home
14 immediately and award temporary use and possession of the home to the person
15 eligible for relief or, in the case of alleged abuse of a child or alleged abuse of a
16 vulnerable adult, award temporary use and possession of the home to an adult living
17 in the home, provided that the court may not grant an order to vacate and award
18 temporary use and possession of the home to a nonspouse person eligible for relief
19 unless the name of the person eligible for relief appears on the lease or deed to the
20 home or the person eligible for relief has shared the home with the respondent for a
21 period of at least 90 days within 1 year before the filing of the petition;

22 (5) order the respondent to remain away from the place of employment,
23 school, or temporary residence of a person eligible for relief or home of other family
24 members;

25 (6) order the respondent to remain away from a child care provider of a
26 person eligible for relief while a child of the person is in the care of the child care
27 provider;

28 (7) award temporary custody of a minor child of the respondent and a
29 person eligible for relief;

30 (8) establish temporary visitation with a minor child of the respondent
31 and a person eligible for relief on a basis which gives primary consideration to the
32 welfare of the minor child and the safety of any other person eligible for relief. If the
33 court finds that the safety of a person eligible for relief will be jeopardized by
34 unsupervised or unrestricted visitation, the court shall condition or restrict visitation
35 as to time, place, duration, or supervision, or deny visitation entirely, as needed to
36 guard the safety of any person eligible for relief;

37 (9) award emergency family maintenance as necessary to support any
38 person eligible for relief to whom the respondent has a duty of support under this

1 article, including an immediate and continuing withholding order on all earnings of
2 the respondent in the amount of the ordered emergency family maintenance in
3 accordance with the procedures specified in Title 10, Subtitle 1, Part III of this article;

4 (10) award temporary use and possession of a vehicle jointly owned by the
5 respondent and a person eligible for relief to the person eligible for relief if necessary
6 for the employment of the person eligible for relief or for the care of a minor child of
7 the respondent or a person eligible for relief;

8 (11) direct the respondent or any or all of the persons eligible for relief to
9 participate in professionally supervised counseling or a domestic violence program;

10 (12) order the respondent to surrender to law enforcement authorities any
11 firearm in the respondent's possession for the duration of the protective order; or

12 (13) order the respondent to pay filing fees and costs of a proceeding
13 under this subtitle.

14 (e) In determining whether to order the respondent to vacate the home under
15 § 4-505(a)(2)(iv) of this subtitle or subsection (d)(4) of this section, the [court] JUDGE
16 shall consider the following factors:

17 (1) the housing needs of any minor child living in the home;

18 (2) the duration of the relationship between the respondent and any
19 person eligible for relief;

20 (3) title to the home;

21 (4) pendency and type of criminal charges against the respondent;

22 (5) the history and severity of abuse in the relationship between the
23 respondent and any person eligible for relief;

24 (6) the existence of alternative housing for the respondent and any
25 person eligible for relief; and

26 (7) the financial resources of the respondent and the person eligible for
27 relief.

28 (f) (1) A copy of the FINAL protective order shall be served on the petitioner,
29 the respondent, any affected person eligible for relief, the appropriate law
30 enforcement agency, and any other person the [court] JUDGE determines is
31 appropriate, in open court or, if the person is not present at the FINAL protective
32 order hearing, by first class mail to the person's last known address.

33 (2) A copy of the FINAL protective order served on the respondent in
34 accordance with paragraph (1) of this subsection constitutes actual notice to the
35 respondent of the contents of the FINAL protective order. Service is complete upon
36 mailing.

1 (g) (1) Except as provided in paragraph (2) of this subsection, all relief
2 granted in a FINAL protective order shall be effective for the period stated in the
3 order, not to exceed 12 months.

4 (2) A subsequent circuit court order pertaining to any of the provisions
5 included in the FINAL protective order shall supersede those provisions in the FINAL
6 protective order.

7 4-507.

8 (a) (1) [The court that issued the] A protective order may [modify or
9 rescind the protective order] BE MODIFIED OR RESCINDED during the term of the
10 protective order after:

11 (i) giving notice to all affected persons eligible for relief and the
12 respondent; and

13 (ii) a hearing.

14 (2) For good cause shown, [the court that issued a protective order] A
15 JUDGE may extend the term of the protective order for 6 months beyond the period
16 specified in § 4-506(g) of this subtitle, after:

17 (i) giving notice to all affected persons eligible for relief and the
18 respondent; and

19 (ii) a hearing.

20 (b) (1) If [the] A District Court JUDGE grants or denies relief under a
21 petition filed under this subtitle, a respondent, any person eligible for relief, or a
22 petitioner may appeal to the circuit court for the county where the District Court is
23 located.

24 (2) An appeal taken under this subsection to the circuit court shall be
25 heard de novo in the circuit court.

26 (3) If an appeal is filed under this subsection, the District Court
27 judgment shall remain in effect until superseded by a judgment of the circuit court.
28 Unless the circuit court orders otherwise, modification or enforcement of the District
29 Court order shall be by the District Court.

30 4-508.

31 (A) [The] AN INTERIM PROTECTIVE ORDER, temporary [ex parte order]
32 PROTECTIVE ORDER, and FINAL protective order issued under this subtitle shall state
33 that a violation of the order may result in:

34 (1) [a finding of contempt;

35 (2)] criminal prosecution; and

1 [(3)] (2) imprisonment or fine or both.

2 (B) A TEMPORARY PROTECTIVE ORDER AND FINAL PROTECTIVE ORDER
3 ISSUED UNDER THIS SUBTITLE SHALL STATE THAT A VIOLATION OF THE ORDER MAY
4 RESULT IN A FINDING OF CONTEMPT.

5 4-509.

6 (a) A person who fails to comply with the relief granted in an [ex parte]
7 INTERIM PROTECTIVE ORDER UNDER § 4-504.1(C)(1), (2), (3), (4)(I), (7), OR (8) OF THIS
8 SUBTITLE, A TEMPORARY PROTECTIVE order under § 4-505(a)(2)(i), (ii), (iii), (iv), or
9 (v) of this [subtitle] SUBTITLE, or [in] a FINAL protective order under § 4-506(d)(1),
10 (2), (3), (4), or (5) of this subtitle is guilty of a misdemeanor and on conviction is
11 subject, for each offense, to:

12 (1) for a first offense, a fine not exceeding \$1,000 or imprisonment not
13 exceeding 90 days or both; and

14 (2) for a second or subsequent offense, a fine not exceeding \$2,500 or
15 imprisonment not exceeding 1 year or both.

16 (b) An officer shall arrest with or without a warrant and take into custody a
17 person [whom] WHO the officer has probable cause to believe is in violation of an [ex
18 parte order] INTERIM, TEMPORARY, or FINAL protective order in effect at the time of
19 the violation.

20 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is contingent on
21 the passage of Chapter ____ (S.B./H.B. __) (2lr0989/0988) of the Acts of the General
22 Assembly of 2002, a Constitutional Amendment, and its ratification by the voters of
23 the State.

24 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the
25 provisions of Section 4 of this Act, this Act shall take effect on the date of certification
26 of the election results or the question of ratification of the Constitutional Amendment
27 by the voters of the State.