

SENATE BILL 501

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SB 658/01 - JPR

2002 Regular Session
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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**

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Committee Report: Favorable
Senate action: Adopted
Read second time: February 19, 2002

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
12 interim order issued by a District Court commissioner; specifying the types of
13 relief that may be granted in an interim domestic violence order or interim
14 peace order; requiring interim orders to contain certain statements; requiring a
15 temporary order hearing to be held within a certain time period after issuance of
16 an interim order except under certain circumstances; providing for the service
17 and return of service of interim orders; providing for the transfer of case files
18 from District Court commissioners to courts; requiring a law enforcement officer
19 to take certain actions on receipt of a petition and interim order; establishing
20 that an interim order is effective for a certain period of time; establishing that a
21 decision of a District Court commissioner to grant or deny interim relief is not
22 binding on and does not affect any power or duty of a judge; eliminating the

1 requirement that a hearing on a petition for a temporary domestic violence
2 order or a temporary peace order be ex parte; authorizing a court to proceed with
3 a protective order hearing or peace order hearing under certain circumstances;
4 authorizing the court to waive a certain hearing under certain circumstances;
5 making a violation of an interim domestic violence order or interim peace order
6 a crime subject to certain penalties; requiring a law enforcement officer to arrest
7 with or without a warrant an individual who violates an interim domestic
8 violence order or interim peace order under certain circumstances; clarifying
9 language; making certain conforming changes; making this Act subject to a
10 certain contingency; defining certain terms; and generally relating to interim
11 domestic violence orders and interim peace orders.

12 BY renumbering

13 Article - Courts and Judicial Proceedings
14 Section 2-607(d) and 3-1501(b), (c), (d), and (e), respectively
15 to be Section 2-607(c)(5) and 3-1501(c), (f), (g), and (h), respectively
16 Annotated Code of Maryland
17 (1998 Replacement Volume and 2001 Supplement)

18 BY renumbering

19 Article - Family Law
20 Section 4-501(e), (f), (g), (h), (i), (j), (k), (l), (m), and (n), respectively
21 to be Section 4-501(f), (g), (i), (k), (l), (m), (n), (o), (q), and (r), respectively
22 Annotated Code of Maryland
23 (1999 Replacement Volume and 2001 Supplement)

24 BY adding to

25 Article - Courts and Judicial Proceedings
26 Section 2-607(d), 3-1501(b), (d), (e), and (i), and 3-1503.1
27 Annotated Code of Maryland
28 (1998 Replacement Volume and 2001 Supplement)

29 BY repealing and reenacting, with amendments,

30 Article - Courts and Judicial Proceedings
31 Section 3-1503(a) and (c), 3-1504, 3-1505, 3-1506, 3-1507, and 3-1508
32 Annotated Code of Maryland
33 (1998 Replacement Volume and 2001 Supplement)

34 BY adding to

35 Article - Family Law
36 Section 4-501(e), (h), (j), and (p) and 4-504.1
37 Annotated Code of Maryland
38 (1999 Replacement Volume and 2001 Supplement)

39 BY repealing and reenacting, with amendments,

1 Article - Family Law
2 Section 4-503(a)(2)(iii), 4-504, 4-505, 4-506, 4-507, 4-508, and 4-509
3 Annotated Code of Maryland
4 (1999 Replacement Volume and 2001 Supplement)

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

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

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

15 **Article - Courts and Judicial Proceedings**

16 2-607.

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

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

22 3-1501.

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

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

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

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

31 3-1503.

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

- 1 (1) An act that causes serious bodily harm;
- 2 (2) An act that places the petitioner in fear of imminent serious bodily
3 harm;
- 4 (3) Assault in any degree;
- 5 (4) Rape or sexual offense, as defined by Article 27, §§ 462 through 464C
6 of the Code or attempted rape or sexual offense in any degree;
- 7 (5) False imprisonment;
- 8 (6) Harassment, as described in Article 27, § 123 of the Code;
- 9 (7) Stalking, as described in Article 27, § 124 of the Code;
- 10 (8) Trespass, as described in the trespass subheading of Article 27 of the
11 Code; or
- 12 (9) Malicious destruction of property, as described in Article 27, § 111 of
13 the Code.

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

19 3-1503.1.

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

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

28 (C) AN INTERIM PEACE ORDER:

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

31 (2) MAY ORDER THE RESPONDENT TO:

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

1 (II) REFRAIN FROM CONTACTING, ATTEMPTING TO CONTACT, OR
2 HARASSING THE PETITIONER;

3 (III) REFRAIN FROM ENTERING THE RESIDENCE OF THE
4 PETITIONER; AND

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

7 (D) (1) (I) AN INTERIM PEACE ORDER SHALL STATE THE DATE, TIME, AND
8 LOCATION FOR THE TEMPORARY PEACE ORDER HEARING.

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

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

15 (I) NOTICE TO THE RESPONDENT THAT:

16 1. THE RESPONDENT MUST GIVE THE COURT WRITTEN
17 NOTICE OF EACH CHANGE OF ADDRESS; AND

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

22 (II) A STATEMENT OF ALL POSSIBLE FORMS AND DURATION OF
23 RELIEF THAT A TEMPORARY PEACE ORDER OR FINAL PEACE ORDER MAY CONTAIN;

24 (III) NOTICE TO THE PETITIONER AND RESPONDENT THAT, AT THE
25 HEARING, A JUDGE MAY ISSUE A TEMPORARY PEACE ORDER THAT GRANTS ANY OR
26 ALL OF THE RELIEF REQUESTED IN THE PETITION OR MAY DENY THE PETITION,
27 WHETHER OR NOT THE RESPONDENT IS IN COURT; AND

28 (IV) A WARNING TO THE RESPONDENT THAT VIOLATION OF AN
29 INTERIM PEACE ORDER IS A CRIME AND THAT A LAW ENFORCEMENT OFFICER SHALL
30 ARREST THE RESPONDENT, WITH OR WITHOUT A WARRANT, AND TAKE THE
31 RESPONDENT INTO CUSTODY IF THE OFFICER HAS PROBABLE CAUSE TO BELIEVE
32 THAT THE RESPONDENT HAS VIOLATED ANY PROVISION OF THE INTERIM PEACE
33 ORDER.

34 (E) WHENEVER A COMMISSIONER ISSUES AN INTERIM PEACE ORDER, THE
35 COMMISSIONER SHALL:

1 (1) IMMEDIATELY FORWARD A COPY OF THE PETITION AND INTERIM
2 PEACE ORDER TO THE APPROPRIATE LAW ENFORCEMENT AGENCY FOR SERVICE ON
3 THE RESPONDENT; AND

4 (2) BEFORE THE HEARING SCHEDULED IN THE INTERIM PEACE ORDER,
5 TRANSFER THE CASE FILE AND THE RETURN OF SERVICE, IF ANY, TO THE OFFICE OF
6 THE DISTRICT COURT CLERK.

7 (F) A LAW ENFORCEMENT OFFICER SHALL:

8 (1) IMMEDIATELY ON RECEIPT OF A PETITION AND INTERIM PEACE
9 ORDER, SERVE THEM ON THE RESPONDENT NAMED IN THE ORDER; AND

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

13 (G) AN INTERIM PEACE ORDER SHALL BE EFFECTIVE UNTIL A JUDGE RULES
14 ON THE PETITION AT THE TEMPORARY PEACE ORDER HEARING.

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

20 3-1504.

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

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

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

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

33 (iii) Order the respondent to refrain from entering the residence of
34 the petitioner; and

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

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

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

6 (2) A RESPONDENT WHO HAS BEEN SERVED WITH AN INTERIM PEACE
7 ORDER UNDER § 3-1503.1 OF THIS SUBTITLE SHALL BE SERVED WITH THE
8 TEMPORARY PEACE ORDER IN OPEN COURT OR, IF THE RESPONDENT IS NOT
9 PRESENT AT THE TEMPORARY PEACE ORDER HEARING, BY FIRST-CLASS MAIL AT
10 THE RESPONDENT'S LAST KNOWN ADDRESS.

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

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

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

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

19 (II) THE RESPONDENT HAS BEEN SERVED WITH AN INTERIM PEACE
20 ORDER; OR

21 (III) THE COURT OTHERWISE HAS PERSONAL JURISDICTION OVER
22 THE RESPONDENT; AND

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

25 3-1505.

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

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

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

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

34 (i) In at least 10-point bold type, that if the respondent fails to
35 appear at the FINAL peace order hearing, the respondent may be served by first-class

1 mail at the respondent's last known address with the FINAL peace order and all other
2 notices concerning the FINAL peace order;

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

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

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

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

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

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

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

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

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

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

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

30 (iii) Order the respondent to refrain from entering the residence of
31 the petitioner;

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

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

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

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

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

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

12 (ii) Service is complete upon mailing.

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

15 3-1506.

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

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

19 (2) 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 or a petitioner may appeal to the
22 circuit court for the county where the District Court is located.

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

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

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

29 3-1507.

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

33 (1) [A finding of contempt;

34 (2)] Criminal prosecution; and

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

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

5 3-1508.

6 (a) An individual who fails to comply with the relief granted in AN INTERIM
7 PEACE ORDER UNDER § 3-1503.1 OF THIS SUBTITLE, a temporary peace order under §
8 3-1504(a)(2) of this [sub]title SUBTITLE, or [in] a FINAL peace order under §
9 3-1505(d)(1)(i), (ii), (iii), or (iv) of this subtitle is guilty of a misdemeanor and on
10 conviction is subject, for each offense, to a fine not exceeding \$1,000 or imprisonment
11 not exceeding 90 days or both.

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

16 **Article - Family Law**

17 4-501.

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

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

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

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

26 4-503.

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

29 (2) states that:

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

1 4-504.

2 (a) A petitioner may seek relief from abuse by filing with a court, OR WITH A
3 COMMISSIONER UNDER THE CIRCUMSTANCES SPECIFIED IN § 4-504.1(A) OF THIS
4 SUBTITLE, a petition that alleges abuse of any person eligible for relief by the
5 respondent.

6 (b) (1) The petition shall:

7 (i) be under oath; and

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

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

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

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

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

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

17 6. in a case of alleged child abuse or alleged abuse of a
18 vulnerable adult, the whereabouts of the child or vulnerable adult and any other
19 information relating to the abuse of the child or vulnerable adult.

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

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

29 (1) AN INTERIM PROTECTIVE ORDER;

30 [(1)] (2) a temporary [ex parte] PROTECTIVE order;

31 [(2)] (3) a FINAL protective order; or

32 [(3)] (4) a witness subpoena.

33 [(d) (1) When the court finds reasonable grounds to believe that abuse of a
34 child, as defined in Title 5, Subtitle 7 of this article, or abuse of a vulnerable adult, as

1 defined in Title 14, Subtitle 1 of this article, has occurred, the court shall forward a
2 copy of the petition and the ex parte order to the local department.

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

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

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

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

11 4-504.1.

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

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

20 (C) AN INTERIM PROTECTIVE ORDER MAY:

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

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

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

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

29 (I) ORDER THE RESPONDENT TO VACATE THE HOME
30 IMMEDIATELY;

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

34 (III) SUBJECT TO THE LIMITS AS TO A NONSPOUSE SPECIFIED IN §
35 4-505(A)(2)(IV) OF THIS SUBTITLE, AWARD TEMPORARY USE AND POSSESSION OF THE
36 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.

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

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

21 (I) NOTICE TO THE RESPONDENT THAT:

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

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

28 (II) A STATEMENT OF ALL POSSIBLE FORMS AND DURATION OF
29 RELIEF THAT A TEMPORARY PROTECTIVE ORDER OR FINAL PROTECTIVE ORDER MAY
30 CONTAIN;

31 (III) NOTICE TO THE PETITIONER AND RESPONDENT THAT, AT THE
32 HEARING, A JUDGE MAY ISSUE A TEMPORARY PROTECTIVE ORDER THAT GRANTS
33 ANY OR ALL OF THE RELIEF REQUESTED IN THE PETITION OR MAY DENY THE
34 PETITION, WHETHER OR NOT THE RESPONDENT IS IN COURT; AND

35 (IV) A WARNING TO THE RESPONDENT THAT VIOLATION OF AN
36 INTERIM PROTECTIVE ORDER IS A CRIME AND THAT A LAW ENFORCEMENT OFFICER
37 SHALL ARREST THE RESPONDENT, WITH OR WITHOUT A WARRANT, AND TAKE THE
38 RESPONDENT INTO CUSTODY IF THE OFFICER HAS PROBABLE CAUSE TO BELIEVE

1 THAT THE RESPONDENT HAS VIOLATED ANY PROVISION OF THE INTERIM
2 PROTECTIVE ORDER.

3 (E) WHENEVER A COMMISSIONER ISSUES AN INTERIM PROTECTIVE ORDER,
4 THE COMMISSIONER SHALL:

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

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

11 (F) A LAW ENFORCEMENT OFFICER SHALL:

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

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

17 (G) AN INTERIM PROTECTIVE ORDER SHALL BE EFFECTIVE UNTIL ISSUANCE
18 OR DENIAL OF A TEMPORARY PROTECTIVE ORDER UNDER § 4-505 OF THIS SUBTITLE.

19 (H) A DECISION OF A COMMISSIONER TO GRANT OR DENY RELIEF UNDER THIS
20 SECTION IS NOT BINDING ON, AND DOES NOT AFFECT ANY POWER GRANTED TO OR
21 DUTY IMPOSED ON, A JUDGE OF A CIRCUIT COURT OR THE DISTRICT COURT UNDER
22 ANY LAW, INCLUDING ANY POWER TO GRANT OR DENY A PETITION FOR A
23 TEMPORARY PROTECTIVE ORDER OR FINAL PROTECTIVE ORDER.

24 4-505.

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

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

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

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

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

3 (iv) where the person eligible for relief and the respondent are
4 residing together at the time of the alleged abuse, order the respondent to vacate the
5 home immediately and award temporary use and possession of the home to the person
6 eligible for relief or in the case of alleged abuse of a child or alleged abuse of a
7 vulnerable adult, award temporary use and possession of the home to an adult living
8 in the home, provided that the court may not grant an order to vacate and award
9 temporary use and possession of the home to a nonspouse person eligible for relief
10 unless the name of the person eligible for relief appears on the lease or deed to the
11 home or the person eligible for relief has resided in the home with the respondent for
12 a period of at least 90 days within 1 year before the filing of the petition;

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

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

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

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

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

29 [(2)] (3) There shall be no cost to the petitioner for service of the
30 temporary [ex parte] PROTECTIVE order.

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

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

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

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

1 (II) THE RESPONDENT HAS BEEN SERVED WITH AN INTERIM
2 PROTECTIVE ORDER; OR

3 (III) THE COURT OTHERWISE HAS PERSONAL JURISDICTION OVER
4 THE RESPONDENT; AND

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

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

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

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

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

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

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

19 4-506.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 1. both parties acted primarily as aggressors; and

24 2. neither party acted primarily in self-defense.

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

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

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

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

32 (4) where the person eligible for relief and the respondent are residing
33 together at the time of the abuse, order the respondent to vacate the home
34 immediately and award temporary use and possession of the home to the person
35 eligible for relief or, in the case of alleged abuse of a child or alleged abuse of a
36 vulnerable adult, award temporary use and possession of the home to an adult living

1 in the home, provided that the court may not grant an order to vacate and award
2 temporary use and possession of the home to a nonspouse person eligible for relief
3 unless the name of the person eligible for relief appears on the lease or deed to the
4 home or the person eligible for relief has shared the home with the respondent for a
5 period of at least 90 days within 1 year before the filing of the petition;

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

9 (6) order the respondent to remain away from a child care provider of a
10 person eligible for relief while a child of the person is in the care of the child care
11 provider;

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

14 (8) establish temporary visitation with a minor child of the respondent
15 and a person eligible for relief on a basis which gives primary consideration to the
16 welfare of the minor child and the safety of any other person eligible for relief. If the
17 court finds that the safety of a person eligible for relief will be jeopardized by
18 unsupervised or unrestricted visitation, the court shall condition or restrict visitation
19 as to time, place, duration, or supervision, or deny visitation entirely, as needed to
20 guard the safety of any person eligible for relief;

21 (9) award emergency family maintenance as necessary to support any
22 person eligible for relief to whom the respondent has a duty of support under this
23 article, including an immediate and continuing withholding order on all earnings of
24 the respondent in the amount of the ordered emergency family maintenance in
25 accordance with the procedures specified in Title 10, Subtitle 1, Part III of this article;

26 (10) award temporary use and possession of a vehicle jointly owned by the
27 respondent and a person eligible for relief to the person eligible for relief if necessary
28 for the employment of the person eligible for relief or for the care of a minor child of
29 the respondent or a person eligible for relief;

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

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

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

36 (e) In determining whether to order the respondent to vacate the home under
37 § 4-505(a)(2)(iv) of this subtitle or subsection (d)(4) of this section, the [court] JUDGE
38 shall consider the following factors:

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

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

3 (3) title to the home;

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

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

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

9 (7) the financial resources of the respondent and the person eligible for
10 relief.

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

16 (2) A copy of the FINAL protective order served on the respondent in
17 accordance with paragraph (1) of this subsection constitutes actual notice to the
18 respondent of the contents of the FINAL protective order. Service is complete upon
19 mailing.

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

23 (2) A subsequent circuit court order pertaining to any of the provisions
24 included in the FINAL protective order shall supersede those provisions in the FINAL
25 protective order.

26 4-507.

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

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

32 (ii) a hearing.

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

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

3 (ii) a hearing.

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

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

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

14 4-508.

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

18 (1) [a finding of contempt;

19 (2)] criminal prosecution; and

20 [(3)] (2) imprisonment or fine or both.

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

24 4-509.

25 (a) A person who fails to comply with the relief granted in an [ex parte]
26 INTERIM PROTECTIVE ORDER UNDER § 4-504.1(C)(1), (2), (3), (4)(I), (7), OR (8) OF THIS
27 SUBTITLE, A TEMPORARY PROTECTIVE order under § 4-505(a)(2)(i), (ii), (iii), (iv), or
28 (v) of this [subtitle] SUBTITLE, or [in] a FINAL protective order under § 4-506(d)(1),
29 (2), (3), (4), or (5) of this subtitle is guilty of a misdemeanor and on conviction is
30 subject, for each offense, to:

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

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

35 (b) An officer shall arrest with or without a warrant and take into custody a
36 person [whom] WHO the officer has probable cause to believe is in violation of an [ex

1 parte order] INTERIM, TEMPORARY, or FINAL protective order in effect at the time of
2 the violation.

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

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