

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegates Dumais, Anderson, Barkley, Bobo, Carter, V. Clagett, Cryor, Eckardt, Feldman, Gaines, Goldwater, Gutierrez, Kaiser, Kelley, King, Lee, Love, McComas, Montgomery, Pendergrass, Petzold, Simmons, Sophocleus, Sossi, Walkup, and ~~Zirkin~~ Zirkin, Menes, and Vallario**

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.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Domestic Violence - Protective Orders - Definition of Abuse**

3 FOR the purpose of altering the definition of "abuse" applicable to certain proceedings
4 to include ~~harassment, and stalking, trespass, and malicious destruction of~~
5 ~~property; specifying that a petitioner is not eligible for relief for harassment~~
6 ~~under certain circumstances;~~ and generally relating to certain petitions for relief
7 from abuse.

8 BY repealing and reenacting, with amendments,
9 Article - Family Law
10 Section 4-501(b) ~~and 4-504(a)~~
11 Annotated Code of Maryland
12 (2004 Replacement Volume)

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

3 **Article - Family Law**

4 4-501.

5 (b) (1) "Abuse" means any of the following acts:

6 (i) an act that causes serious bodily harm;

7 (ii) an act that places a person eligible for relief in fear of imminent
8 serious bodily harm;

9 (iii) assault in any degree;

10 (iv) rape or sexual offense under §§ 3-303 through 3-308 of the
11 Criminal Law Article or attempted rape or sexual offense in any degree; [or]

12 (v) false imprisonment; OR

13 (VI) ~~HARASSMENT UNDER § 3-803 OF THE CRIMINAL LAW ARTICLE;~~
14 OR

15 ~~(VII) STALKING UNDER § 3-802 OF THE CRIMINAL LAW ARTICLE;~~

16 ~~(VIII) TRESPASS UNDER TITLE 6, SUBTITLE 4 OF THE CRIMINAL LAW~~
17 ~~ARTICLE; OR~~

18 ~~(IX) MALICIOUS DESTRUCTION OF PROPERTY UNDER § 6-301 OF THE~~
19 ~~CRIMINAL LAW ARTICLE.~~

20 (2) If the person for whom relief is sought is a child, "abuse" may also
21 include abuse of a child, as defined in Title 5, Subtitle 7 of this article. Nothing in this
22 subtitle shall be construed to prohibit reasonable punishment, including reasonable
23 corporal punishment, in light of the age and condition of the child, from being
24 performed by a parent or stepparent of the child.

25 (3) If the person for whom relief is sought is a vulnerable adult, "abuse"
26 may also include abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this
27 article.

28 ~~4-504.~~

29 ~~(a) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A petitioner~~
30 ~~may seek relief from abuse by filing with a court, or with a commissioner under the~~
31 ~~circumstances specified in § 4-504.1(a) of this subtitle, a petition that alleges abuse of~~
32 ~~any person eligible for relief by the respondent.~~

33 ~~(2) A PETITIONER IS NOT ELIGIBLE FOR RELIEF UNDER THIS SUBTITLE~~
34 ~~FOR HARASSMENT UNDER § 3-803 OF THE CRIMINAL LAW ARTICLE IF THE~~

1 ~~PETITIONER AND THE RESPONDENT RESIDED TOGETHER AT THE TIME THE~~
2 ~~HARASSMENT ALLEGEDLY OCCURRED.~~

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2005.