
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~~ **Zirkin, Menes, and Vallario**

Introduced and read first time: January 27, 2005

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2005

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)

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

15 **Article - Family Law**

16 4-501.

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

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

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

3 (iii) assault in any degree;

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

6 (v) false imprisonment;

7 (VI) HARASSMENT UNDER § 3-803 OF THE CRIMINAL LAW ARTICLE;
8 OR

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

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

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

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

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

22 4-504.

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

27 (2) A PETITIONER IS NOT ELIGIBLE FOR RELIEF UNDER THIS SUBTITLE
28 FOR HARASSMENT UNDER § 3-803 OF THE CRIMINAL LAW ARTICLE IF THE
29 PETITIONER AND THE RESPONDENT RESIDED TOGETHER AT THE TIME THE
30 HARASSMENT ALLEGEDLY OCCURRED.

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

