

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

Senate Bill 362 (Senator Stone)
Judicial Proceedings

Domestic Violence - Ex Parte Orders - Expungement

This bill provides for the expungement of an *ex parte* order issued pursuant to an allegation of abuse under the domestic violence provisions.

Fiscal Summary

State Effect: The bill's requirements could be met with existing resources.

Local Effect: The bill's requirements could be met with existing resources.

Small Business Effect: None.

Analysis

Bill Summary: This bill requires a court to state the reasons on the record if, after a hearing, the court denies a petition for a temporary or final protective order.

The bill provides that a person who was the respondent in a proceeding involving an allegation of domestic abuse may file a petition to expunge an *ex parte* order if a final protective order was not issued in the proceeding. The person who wants to expunge the *ex parte* order must file a petition in the court where the *ex parte* order was issued.

If the court finds that the petition for relief from domestic abuse was in bad faith or without substantial justification, the court must order the expungement of all police and court records about the *ex parte* order.

Within 60 days after the entry of an expungement order, each custodian of police and court records that are subject to the expungement order must advise the court and the person seeking expungement of compliance with the order.

Current Law: An *ex parte* order may be entered after a hearing in which only the petitioner appears without notice to the respondent.

State law provides for the expungement of police and court records in criminal cases under certain circumstances.

Background: The Administrative Office of the Courts reports that 4,306 domestic cases were filed in the circuit courts in fiscal 2004. The circuit courts held 3,244 hearings for temporary protective orders and granted 1,920 orders. There were 3,023 hearings for final protective orders and 1,254 orders were granted.

In the District Court, 22,934 domestic cases were filed in fiscal 2004. During the same period, the District Court held 8,956 hearings for interim orders and granted 7,760 interim orders. The District Court held 24,481 hearings for temporary orders and granted 14,701 orders. There were 14,729 hearings for final protective orders held in fiscal 2004 in the District Court and 7,395 of the requested orders were issued.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Department of Legislative Services

Fiscal Note History: First Reader - February 18, 2005
mp/jr

Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510