

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 263

(Senator Grosfeld, *et al.*)

Judicial Proceedings

Judiciary

Domestic Violence - Protective Orders - Definition of Abuse

This bill alters the definition of “abuse” as it applies to domestic violence proceedings. The definition is expanded to include stalking.

Fiscal Summary

State Effect: Minimal increase in expenditures for the Judiciary to process additional requests for protective orders.

Local Effect: Minimal increase in expenditures for circuit courts to process additional requests for protective orders.

Small Business Effect: None.

Analysis

Current Law: “Abuse,” as it applies to domestic violence proceedings, means the following:

- an act that causes serious bodily harm;
- an act that places a person eligible for relief in fear of imminent bodily harm;
- assault in any degree;

- rape or sexual offense, or attempted rape or sexual offense in any degree; or
- false imprisonment.

Abuse may also include abuse of a child, as defined in statute, if the person who is the subject of a petition is a child. However, the definition of abuse may not be construed to prohibit reasonable punishment, including reasonable corporal punishment, from being performed by a parent or stepparent of the child. What is reasonable corporal punishment is determined by the age and condition of the child. Abuse may also include abuse of a vulnerable adult, as defined in statute, if the person who is the subject of the petition is a vulnerable adult.

Stalking is a malicious course of conduct including approaching or pursuing another person, intending to place or knowing that the conduct would place the person in reasonable fear of serious bodily injury, assault, rape or sexual offense, false imprisonment, death, or that a third person will suffer any of these acts. A person convicted of stalking is guilty of a misdemeanor and is subject to up to five years imprisonment and/or a \$5,000 fine.

Background: According to the Administrative Office of the Courts, in the District Court, 22,934 domestic violence cases were filed during fiscal 2004, compared to 21,333 cases filed in fiscal 2003. According to the Maryland *Uniform Crime Report*, there were 17,860 domestic violence crimes during calendar 2003. This excludes incidents in Baltimore City, which did not report crimes to the State Police for that period. Of the reported crimes, there were seven reported cases of domestic violence involving stalking.

State and Local Expenditures: General fund expenditures for the Judiciary could increase minimally under this bill. According to the State Police, in calendar 2003, there were 17,860 reported domestic violence crimes, excluding Baltimore City, which did not report to the State Police for that period. The vast majority of domestic violence incidents involved the crimes of simple or aggravated assault (16,699). Accordingly, it can be assumed that the vast majority of protective order petitions are intended to protect the petitioner from assault crimes. In calendar 2003, there were seven incidents involving stalking. It is likely that circuit courts and the District Court will spend time hearing additional petitions for protective orders under this bill, but the impact on the Judiciary is expected to be minimal.

Additional Information

Prior Introductions: None.

Cross File: HB 327 (Delegate Dumais, *et al.*) – Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of Legislative Services

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