
By: **Delegate Quinter**

Introduced and read first time: February 10, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Workplace Violence Protection Act of 2006**

3 FOR the purpose of authorizing an employer to seek a peace order against violence at
4 the workplace under certain circumstances; providing for the application of
5 certain provisions of this Act; defining a certain term; and generally relating to
6 peace orders against workplace violence.

7 BY repealing and reenacting, with amendments,
8 Article - Courts and Judicial Proceedings
9 Section 3-1501 and 3-1503(a)
10 Annotated Code of Maryland
11 (2002 Replacement Volume and 2005 Supplement)

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

14 **Article - Courts and Judicial Proceedings**

15 3-1501.

16 (a) In this subtitle the following words have the meanings indicated.

17 (b) "Commissioner" means a District Court commissioner appointed in
18 accordance with Article IV, § 41G of the Maryland Constitution.

19 (c) "Court" means the District Court of Maryland.

20 (D) "EMPLOYER" MEANS:

21 (1) A PERSON ENGAGED IN A BUSINESS, INDUSTRY, PROFESSION,
22 TRADE, OR OTHER ENTERPRISE IN THE STATE;

23 (2) THE STATE AND ITS UNITS;

24 (3) A COUNTY AND ITS UNITS; AND

1 (4) A MUNICIPAL CORPORATION AND ITS UNITS.

2 [(d)] (E) "Final peace order" means a peace order issued by a judge under §
3 3-1505 of this subtitle.

4 [(e)] (F) "Interim peace order" means an order that a commissioner issues
5 under this subtitle pending a hearing by a judge on a petition.

6 [(f)] (G) "Petitioner" means an individual who files a petition under § 3-1503
7 of this subtitle.

8 [(g)] (H) "Residence" includes the yard, grounds, outbuildings, and common
9 areas surrounding the residence.

10 [(h)] (I) "Respondent" means an individual alleged in a petition to have
11 committed an act specified in § 3-1503(a) of this subtitle against a petitioner.

12 [(i)] (J) "Temporary peace order" means a peace order issued by a judge
13 under § 3-1504 of this subtitle.

14 3-1503.

15 (a) (1) A petitioner may seek relief under this subtitle by filing with the
16 court, or with a commissioner under the circumstances specified in § 3-1503.1(a) of
17 this subtitle, a petition that alleges the commission of any of the following acts
18 against the petitioner by the respondent, if the act occurred within 30 days before the
19 filing of the petition:

20 [(1)] (I) An act that causes serious bodily harm;

21 [(2)] (II) An act that places the petitioner in fear of imminent serious
22 bodily harm;

23 [(3)] (III) Assault in any degree;

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

26 [(5)] (V) False imprisonment;

27 [(6)] (VI) Harassment under § 3-803 of the Criminal Law Article;

28 [(7)] (VII) Stalking under § 3-802 of the Criminal Law Article;

29 [(8)] (VIII) Trespass under Title 6, Subtitle 4 of the Criminal Law Article;
30 or

31 [(9)] (IX) Malicious destruction of property under § 6-301 of the Criminal
32 Law Article.

1 (2) (I) AN EMPLOYER MAY SEEK RELIEF AS A PETITIONER UNDER
2 PARAGRAPH (1) OF THIS SECTION IF THE EMPLOYER:

3 1. CONCLUDES THAT ANY OF THE ACTS DESCRIBED UNDER
4 PARAGRAPH (1) OF THIS SECTION WERE COMMITTED:

5 A. BY THE RESPONDENT AT THE WORKPLACE; AND

6 B. AGAINST AN EMPLOYEE OF THE EMPLOYER OR ANY
7 OTHER PERSON PRESENT AT THE WORKPLACE; AND

8 2. MAKES A GOOD FAITH EFFORT TO NOTIFY THE ALLEGED
9 VICTIM OF THE EMPLOYER'S INTENTION TO SEEK THE TEMPORARY RESTRAINING
10 ORDER.

11 (II) THIS PARAGRAPH MAY NOT BE CONSTRUED TO:

12 1. PROHIBIT A PERSON FROM ENGAGING IN SPEECH OR
13 OTHER ACTIVITIES THAT ARE PROTECTED BY THE U.S. CONSTITUTION OR THE
14 MARYLAND CONSTITUTION;

15 2. PREVENT A PARTY FROM REPRESENTATION BY PRIVATE
16 COUNSEL OR FROM PRO SE REPRESENTATION; OR

17 3. EXPAND, DIMINISH, ALTER, OR MODIFY ANY DUTY OF AN
18 EMPLOYER TO PROVIDE A SAFE WORKPLACE FOR AN EMPLOYEE OR OTHER PERSON.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2006.