

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 1210
Judiciary

(Delegate Quinter)

Maryland Workplace Violence Protection Act of 2006

This bill authorizes an employer to seek a peace order against violence at the workplace if the employer concludes that any of the acts currently eligible for peace orders were committed: (1) at the workplace by the individual alleged to have committed the act (“respondent”) in the peace order petition; and (2) against an employee of the employer or any other person present at the workplace. Employers may seek a peace order only if they make a good faith effort to notify the alleged victim of their intention to seek the temporary restraining order.

Fiscal Summary

State Effect: Any increase in petitions for peace orders in the District Court as a result of this bill could be handled with the existing resources of the Judiciary.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The authority of an employer to seek a peace order may not be construed to: (1) prohibit a party from engaging in free speech or other activities protected by the federal and State constitutions; (2) prevent a party’s right to legal representation; or (3) affect any duty of an employer to provide a safe workplace for an employee or other person.

The bill applies to public and private employers.

Current Law: Statute provides that a person may seek relief from a District Court by filing a petition for a peace order with the District Court or the District Court commissioner that alleges the commission of any of the following acts against the petitioner by the respondent, if the act occurred within 30 days before the filing of the petition:

- an act that causes serious bodily harm;
- an act that places the petitioner in fear of imminent serious bodily harm;
- assault in any degree;
- rape or specified sexual offenses, or attempted rape or sexual offense in any degree;
- false imprisonment;
- criminal harassment;
- stalking;
- trespass; or
- malicious destruction of property.

If after a hearing on a petition, a judge finds that there are reasonable grounds to believe that the respondent has committed, and is likely to commit in the future, one of the previously mentioned acts against the petitioner, the judge may issue a temporary peace order to protect the petitioner. The order must contain only the relief that is minimally necessary to protect the petitioner. A temporary peace order can order respondent to: (1) refrain from certain behavior and conduct; (2) refrain from contacting, attempting to contact, harassing, or approaching the petitioner; or (3) stay away from specific locations. Temporary peace orders are effective for not more than 7 days after service of the order, but may be extended for up to 30 days. The temporary peace order must state the date and time of the final peace order hearing.

After a final peace order hearing, if a judge finds by clear and convincing evidence that the respondent has committed, and is likely to commit in the future, one of the previously mentioned acts against the petitioner, or if the respondent consents to the entry of a peace order, the court may issue a final peace order to protect the petitioner. The order must contain only the relief that is minimally necessary to protect the petitioner. Final peace orders can direct the respondent or petitioner to participate in counseling or mediation, as well as the forms of relief available under a temporary peace order. Relief granted in a final peace order is effective for the period stated in the order, but may not exceed six months.

Background: According to the Occupational Safety and Health Administration, of the 5,703 fatal work injuries in the United States in 2004, 551 were homicides. In January 2006, a former employee opened fire at a postal service facility in Goleta, California, killing six people and critically wounding another before killing herself.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Labor, Licensing, and Regulation; Department of Legislative Services

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mam/jr

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