

# HOUSE BILL 933

E2, D4

71r0784

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By: **Delegates Braveboy, Robinson, Benson, Frush, Glenn, Griffith, Howard, Huckler, Ivey, Jameson, Manno, McComas, Mizeur, Nathan-Pulliam, Niemann, Pena-Melnyk, Proctor, Rice, Tarrant, and Valderrama**

Introduced and read first time: February 9, 2007

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Domestic Violence – Mandatory Anger Management or**  
3 **Batterer Intervention**

4 FOR the purpose of requiring certain persons charged with or convicted of certain  
5 crimes involving domestic violence to participate in an anger management  
6 program or a batterer intervention program under certain circumstances;  
7 authorizing the Maryland Parole Commission to require certain parolees to  
8 participate in an anger management program or a batterer intervention  
9 program as a condition of parole under certain circumstances; authorizing a  
10 court or a District Court Commissioner to require certain defendants to  
11 participate in an anger management program or a batterer intervention  
12 program as a condition of pretrial release under certain circumstances;  
13 authorizing a court to require certain defendants to participate in an anger  
14 management program or a batterer intervention program as a condition of  
15 probation under certain circumstances; adding mandatory participation in an  
16 anger management program or a batterer intervention program to the list of  
17 relief that may be included in a final protective order; defining a certain term;  
18 and generally relating to domestic violence perpetrators.

19 BY adding to  
20 Article – Correctional Services  
21 Section 7–309  
22 Annotated Code of Maryland  
23 (1999 Volume and 2006 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to  
2 Article – Criminal Procedure  
3 Section 5–201(c) and 6–225.1  
4 Annotated Code of Maryland  
5 (2001 Volume and 2006 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article – Family Law  
8 Section 4–506(d)  
9 Annotated Code of Maryland  
10 (2006 Replacement Volume)

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

13 **Article – Correctional Services**

14 **7–309.**

15 (A) IN THIS SECTION, “PERSON ELIGIBLE FOR RELIEF” MEANS:

16 (1) THE CURRENT OR FORMER SPOUSE OF A PAROLEE;

17 (2) A COHABITANT OF A PAROLEE, AS DEFINED IN § 4–501 OF THE  
18 FAMILY LAW ARTICLE;

19 (3) A PERSON RELATED TO THE PAROLEE BY BLOOD, MARRIAGE,  
20 OR ADOPTION;

21 (4) A PARENT, STEPPARENT, CHILD, OR STEPCHILD OF THE  
22 PAROLEE OR THE PERSON ELIGIBLE FOR RELIEF WHO RESIDES OR RESIDED  
23 WITH THE PAROLEE OR PERSON ELIGIBLE FOR RELIEF FOR AT LEAST 90 DAYS  
24 WITHIN 1 YEAR BEFORE THE COMMISSION OF THE CRIMINAL ACT DESCRIBED IN  
25 SUBSECTION (B) OF THIS SECTION; OR

26 (5) AN INDIVIDUAL WHO HAS A CHILD IN COMMON WITH THE  
27 PAROLEE.

28 (B) IF THE COMMISSION GRANTS PAROLE TO A PAROLEE WHO HAS  
29 BEEN CONVICTED OF ANY OF THE FOLLOWING CRIMES AGAINST A PERSON

1 ELIGIBLE FOR RELIEF, THE COMMISSION MAY REQUIRE THE PAROLEE TO  
2 PARTICIPATE IN AN ANGER MANAGEMENT PROGRAM OR A BATTERER  
3 INTERVENTION PROGRAM AS A CONDITION OF PAROLE:

4 (1) AN ACT THAT CAUSES SERIOUS BODILY HARM;

5 (2) ASSAULT IN ANY DEGREE;

6 (3) RAPE OR SEXUAL OFFENSE UNDER §§ 3-303 THROUGH 3-308  
7 OF THE CRIMINAL LAW ARTICLE OR ATTEMPTED RAPE OR SEXUAL OFFENSE IN  
8 ANY DEGREE;

9 (4) FALSE IMPRISONMENT; OR

10 (5) STALKING UNDER § 3-802 OF THE CRIMINAL LAW ARTICLE.

11 Article - Criminal Procedure

12 5-201.

13 (C) (1) IN THIS SUBSECTION, "PERSON ELIGIBLE FOR RELIEF"  
14 MEANS:

15 (I) THE CURRENT OR FORMER SPOUSE OF THE  
16 DEFENDANT;

17 (II) A COHABITANT OF THE DEFENDANT, AS DEFINED IN §  
18 4-501 OF THE FAMILY LAW ARTICLE;

19 (III) A PERSON RELATED TO THE DEFENDANT BY BLOOD,  
20 MARRIAGE, OR ADOPTION;

21 (IV) A PARENT, STEPPARENT, CHILD, OR STEPCHILD OF THE  
22 DEFENDANT OR THE PERSON ELIGIBLE FOR RELIEF WHO RESIDES OR RESIDED  
23 WITH THE DEFENDANT OR PERSON ELIGIBLE FOR RELIEF FOR AT LEAST 90  
24 DAYS WITHIN 1 YEAR BEFORE THE COMMISSION OF THE CRIMINAL ACT  
25 DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION; OR

26 (V) AN INDIVIDUAL WHO HAS A CHILD IN COMMON WITH  
27 THE DEFENDANT.

1           **(2) SUBJECT TO THE RESTRICTIONS DESCRIBED IN § 5-202(C) OF**  
2 **THIS SUBTITLE, IF THE COURT OR A DISTRICT COURT COMMISSIONER**  
3 **AUTHORIZES PRETRIAL RELEASE FOR A DEFENDANT CHARGED WITH ANY OF**  
4 **THE FOLLOWING CRIMES AGAINST A PERSON ELIGIBLE FOR RELIEF, THE COURT**  
5 **OR THE DISTRICT COURT COMMISSIONER MAY REQUIRE THE DEFENDANT TO**  
6 **PARTICIPATE IN AN ANGER MANAGEMENT PROGRAM OR A BATTERER**  
7 **INTERVENTION PROGRAM AS A CONDITION OF PRETRIAL RELEASE:**

8                   **(I) AN ACT THAT CAUSES SERIOUS BODILY HARM;**

9                   **(II) ASSAULT IN ANY DEGREE;**

10                   **(III) RAPE OR SEXUAL OFFENSE UNDER §§ 3-303 THROUGH**  
11 **3-308 OF THE CRIMINAL LAW ARTICLE OR ATTEMPTED RAPE OR SEXUAL**  
12 **OFFENSE IN ANY DEGREE;**

13                   **(IV) FALSE IMPRISONMENT; OR**

14                   **(V) STALKING UNDER § 3-802 OF THE CRIMINAL LAW**  
15 **ARTICLE.**

16 **6-225.1.**

17           **(A) IN THIS SECTION, “PERSON ELIGIBLE FOR RELIEF” MEANS:**

18                   **(1) THE CURRENT OR FORMER SPOUSE OF THE DEFENDANT;**

19                   **(2) A COHABITANT OF THE DEFENDANT, AS DEFINED IN § 4-501**  
20 **OF THE FAMILY LAW ARTICLE;**

21                   **(3) A PERSON RELATED TO THE DEFENDANT BY BLOOD,**  
22 **MARRIAGE, OR ADOPTION;**

23                   **(4) A PARENT, STEPPARENT, CHILD, OR STEPCHILD OF THE**  
24 **DEFENDANT OR THE PERSON ELIGIBLE FOR RELIEF WHO RESIDES OR RESIDED**  
25 **WITH THE DEFENDANT OR PERSON ELIGIBLE FOR RELIEF FOR AT LEAST 90**  
26 **DAYS WITHIN 1 YEAR BEFORE THE COMMISSION OF THE CRIMINAL ACT**  
27 **DESCRIBED IN SUBSECTION (B) OF THIS SECTION; OR**

1           **(5) AN INDIVIDUAL WHO HAS A CHILD IN COMMON WITH THE**  
2 **DEFENDANT.**

3           **(B) IF THE COURT PLACES A DEFENDANT ON PROBATION FOR ANY OF**  
4 **THE FOLLOWING CRIMES AGAINST A PERSON ELIGIBLE FOR RELIEF, THE COURT**  
5 **MAY REQUIRE THE DEFENDANT TO PARTICIPATE IN AN ANGER MANAGEMENT**  
6 **PROGRAM OR A BATTERER INTERVENTION PROGRAM AS A CONDITION OF**  
7 **PROBATION:**

8           **(1) AN ACT THAT CAUSES SERIOUS BODILY HARM;**

9           **(2) ASSAULT IN ANY DEGREE;**

10           **(3) RAPE OR SEXUAL OFFENSE UNDER §§ 3-303 THROUGH 3-308**  
11 **OF THE CRIMINAL LAW ARTICLE OR ATTEMPTED RAPE OR SEXUAL OFFENSE IN**  
12 **ANY DEGREE;**

13           **(4) FALSE IMPRISONMENT; OR**

14           **(5) STALKING UNDER § 3-802 OF THE CRIMINAL LAW ARTICLE.**

15   **Article – Family Law**

16 4-506.

17           (d) The final protective order may include any or all of the following relief:

18           (1) order the respondent to refrain from abusing or threatening to  
19 abuse any person eligible for relief;

20           (2) order the respondent to refrain from contacting, attempting to  
21 contact, or harassing any person eligible for relief;

22           (3) order the respondent to refrain from entering the residence of any  
23 person eligible for relief;

24           (4) where the person eligible for relief and the respondent are residing  
25 together at the time of the abuse, order the respondent to vacate the home  
26 immediately and award temporary use and possession of the home to the person  
27 eligible for relief or, in the case of alleged abuse of a child or alleged abuse of a

1 vulnerable adult, award temporary use and possession of the home to an adult living  
2 in the home, provided that the court may not grant an order to vacate and award  
3 temporary use and possession of the home to a nonspouse person eligible for relief  
4 unless the name of the person eligible for relief appears on the lease or deed to the  
5 home or the person eligible for relief has shared the home with the respondent for a  
6 period of at least 90 days within 1 year before the filing of the petition;

7 (5) order the respondent to remain away from the place of  
8 employment, school, or temporary residence of a person eligible for relief or home of  
9 other family members;

10 (6) order the respondent to remain away from a child care provider of  
11 a person eligible for relief while a child of the person is in the care of the child care  
12 provider;

13 (7) award temporary custody of a minor child of the respondent and a  
14 person eligible for relief;

15 (8) establish temporary visitation with a minor child of the respondent  
16 and a person eligible for relief on a basis which gives primary consideration to the  
17 welfare of the minor child and the safety of any other person eligible for relief. If the  
18 court finds that the safety of a person eligible for relief will be jeopardized by  
19 unsupervised or unrestricted visitation, the court shall condition or restrict visitation  
20 as to time, place, duration, or supervision, or deny visitation entirely, as needed to  
21 guard the safety of any person eligible for relief;

22 (9) award emergency family maintenance as necessary to support any  
23 person eligible for relief to whom the respondent has a duty of support under this  
24 article, including an immediate and continuing withholding order on all earnings of  
25 the respondent in the amount of the ordered emergency family maintenance in  
26 accordance with the procedures specified in Title 10, Subtitle 1, Part III of this article;

27 (10) award temporary use and possession of a vehicle jointly owned by  
28 the respondent and a person eligible for relief to the person eligible for relief if  
29 necessary for the employment of the person eligible for relief or for the care of a minor  
30 child of the respondent or a person eligible for relief;

31 (11) direct the respondent or any or all of the persons eligible for relief  
32 to participate in professionally supervised counseling or a domestic violence program;

33 (12) order the respondent to surrender to law enforcement authorities  
34 any firearm in the respondent's possession for the duration of the protective order; [or]

1                   (13) order the respondent to pay filing fees and costs of a proceeding  
2 under this subtitle; **OR**

3                   **(14) ORDER THE RESPONDENT TO PARTICIPATE IN AN ANGER**  
4 **MANAGEMENT PROGRAM OR A BATTERER INTERVENTION PROGRAM.**

5                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2007.