

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**

House Bill 933

(Delegate Braveboy, *et al.*)

Judiciary

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**Criminal Procedure - Domestic Violence - Mandatory Anger Management or  
Batterer Intervention**

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This bill requires a person charged with or convicted of specified crimes involving domestic violence to participate in an anger management program or a batterer intervention program as a condition of parole. The Maryland Parole Commission is authorized to require such participation as a condition of parole.

A court or a District Court Commissioner is authorized to require qualifying defendants to participate in such a program as a condition of pretrial release or probation, as specified. The bill also adds mandatory participation in such a program to the list of relief that may be included in a final protective order.

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**Fiscal Summary**

**State Effect:** The requirements of this bill could be handled with the existing budgeted resources of the Parole Commission, and the Division of Parole and Probation. Any additional proceedings or workload for the Judiciary could also be accommodated with existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

**Current Law:** The fee for a marriage license in the State is \$10. Any county or group of two or more counties may set an additional fee of up to \$25 for each license and the proceeds must be used to fund domestic violence programs.

The Howard County Council is authorized to set by resolution an additional fee of up to \$50 for each license and the proceeds, in addition to designated federal, State, and county funds, must be used to fund battered spouse shelters and domestic violence programs established under Domestic Violence provisions of the Family Law Article.

Chapter 375 of 2006 requires the Secretary of State to establish and administer an Address Confidentiality Program (ACP) for domestic violence victims. A program participant may be an individual, a parent, or a guardian acting on behalf of a minor who resides with the parent or guardian, or a guardian acting on behalf of a disabled person. The purpose of ACP is to enable State and local agencies to respond to requests for public records without disclosing the location of a domestic violence victim.

A person may not knowingly and intentionally obtain a participant's actual address or phone number from any agency without authorization. Also, if an employee of the Secretary of State obtains a participant's actual address or phone number in the course of the employee's duties and has specific knowledge that the actual address or phone number belongs to an ACP participant, then the employee may not knowingly and intentionally disclose a participant's actual address or phone number to another person unless authorized. Both violations are misdemeanors, subject to a maximum fine of \$2,500.

Chapter 233 of 2005 authorizes a county to establish a "local domestic violence fatality review team" to investigate the causes of serious physical injury or death that result from domestic violence and to make recommendations for comprehensive improvement in agency and organizational responses to victims of domestic violence. Chapter 233 establishes immunity for team participants, specifies confidentiality and disclosure provisions, and establishes penalties for violation of disclosure and confidentiality provisions.

In a domestic violence proceeding, if a judge finds by clear and convincing evidence that abuse has occurred, or if the respondent consents to the entry of a protective order, the judge may grant a final protective order to protect any person eligible for relief from abuse.

All relief granted in a final protective order is effective for the period stated in the order, up to a maximum of 12 months. A subsequent circuit court order pertaining to any of the provisions in the final protective order supersedes those provisions in the final protective order.

**Background:** According to the Maryland *2005 Uniform Crime Report*, there were 22,092 domestic violence crimes during calendar 2005. Of that total, 20,482 were categorized as assaults, and 4,668 of the assaults were reported as “aggravated.”

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 20, 2007  
ncs/jr

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