

# HOUSE BILL 27

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8lr0388

(PRE-FILED)

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By: **Delegate Benson**

Requested: July 6, 2007

Introduced and read first time: January 9, 2008

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence – Protective Orders**

3 FOR the purpose of establishing that all relief contained in a final protective order  
4 continues in effect, subject only to certain provisions of law; repealing a  
5 provision of law specifying that a final protective order is effective for a certain  
6 period of time; repealing a provision of law authorizing a court to extend the  
7 term of a protective order for a certain period of time; and generally relating to  
8 protective orders.

9 BY repealing and reenacting, with amendments,  
10 Article – Family Law  
11 Section 4–506(g) and 4–507  
12 Annotated Code of Maryland  
13 (2006 Replacement Volume and 2007 Supplement)

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

16 **Article – Family Law**

17 4–506.

18 (g) (1) [Except as provided in paragraph (2) of this subsection, all] **ALL**  
19 relief granted in a final protective order [shall be effective for the period stated in the  
20 order, not to exceed 12 months] **CONTINUES IN EFFECT, SUBJECT ONLY TO THE**  
21 **PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION AND § 4–507 OF THIS**  
22 **SUBTITLE.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   (2)    A subsequent circuit court order pertaining to any of the provisions  
2 included in the final protective order shall supersede those provisions in the final  
3 protective order.

4 4–507.

5                   (a)    [(1)] A protective order may be modified or rescinded [during the term  
6 of the protective order] after:

7                                [(i)] (1)       giving notice to all affected persons eligible for relief  
8 and the respondent; and

9                                [(ii)] (2)       a hearing.

10                   (2)    For good cause shown, a judge may extend the term of the  
11 protective order for 6 months beyond the period specified in § 4–506(g) of this subtitle,  
12 after:

13                               (i)     giving notice to all affected persons eligible for relief and the  
14 respondent; and

15                               (ii)    a hearing.]

16                   (b)    (1)    If a District Court judge grants or denies relief under a petition  
17 filed under this subtitle, a respondent, any person eligible for relief, or a petitioner  
18 may appeal to the circuit court for the county where the District Court is located.

19                               (2)    An appeal taken under this subsection to the circuit court shall be  
20 heard de novo in the circuit court.

21                               (3)    If an appeal is filed under this subsection, the District Court  
22 judgment shall remain in effect until superseded by a judgment of the circuit court.  
23 Unless the circuit court orders otherwise, modification or enforcement of the District  
24 Court order shall be by the District Court.

25                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2008.