

**Department of Legislative Services**  
Maryland General Assembly  
2008 Session

**FISCAL AND POLICY NOTE**

House Bill 1413

(Delegates Dumais and Vallario)

Judiciary

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**Peace Orders - Referral to Mediation**

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This bill authorizes the District Court to refer a case requesting a peace order to a court mediator if appropriate.

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**Fiscal Summary**

**State Effect:** The bill's requirements could be handled with existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A peace order may be issued to order a respondent to refrain from committing or threatening to commit any of the following acts, 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 imminent fear of serious bodily harm;
- assault in any degree;
- rape or sexual offense, or attempted rape or sexual offense in any degree;
- false imprisonment;
- harassment;

- stalking;
- trespass; or
- malicious destruction of property.

A peace order may order the respondent to refrain from contact, attempted contact, or harassment, refrain from entering the petitioner's residence, and remain away from the petitioner's place of employment, school, or temporary residence. A peace order must contain only the relief minimally necessary to protect the petitioner. By petitioning for a peace order, the petitioner is not limited to or precluded from pursuing other legal remedies. However, the peace order provisions do not apply to a petitioner who is a person eligible for relief as defined under the domestic violence provisions, or a respondent who is a child at the time of the alleged commission of a harmful act, as specified in statute.

An interim peace order is effective until the earlier of the hearing of a temporary peace order or the end of the second business day the office of the clerk of the District Court is open following issuance of the interim peace order. A temporary peace order is effective for seven days after service of the order. A final peace order is effective for the period stated in the order, for a maximum of six months.

**Background:** The District Court reports that in fiscal 2005 (the latest information available, 15,086 peace order cases were filed and 4,164 interim orders, 9,001 temporary orders and 6,409 final peace orders were granted. Appeals were filed in 46 cases.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 19, 2008  
mcp/hlb

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