

SENATE BILL 522

D4

9lr2147
CF HB 454

By: **Senators Forehand, Conway, Garagiola, Pinsky, Pugh, Raskin, and**
~~Rosapepe~~ Rosapepe, Jacobs, Mooney, and Simonaire

Introduced and read first time: February 5, 2009

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 2009

CHAPTER _____

1 AN ACT concerning

2 **Domestic Violence – Violation of Protective Order – Arrest**

3 FOR the purpose of clarifying that an officer is required to arrest with or without a
4 warrant and take into custody a person who the officer has probable cause to
5 believe has violated a certain provision of an interim, temporary, or final
6 protective order in effect at the time of the violation; clarifying that an officer is
7 required to arrest with or without a warrant and take into custody a person who
8 the officer has probable cause to believe has violated a certain order of
9 protection that was issued by a court of another state or a Native American
10 tribe under certain circumstances; making a clarifying change; and generally
11 relating to domestic violence.

12 BY repealing and reenacting, with amendments,
13 Article – Family Law
14 Section 4–508.1(c) and 4–509
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2008 Supplement)

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

19 **Article – Family Law**

20 4–508.1.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(c) A law enforcement officer shall arrest with or without a warrant and take into custody a person whom the officer has probable cause to believe [is in violation of] **HAS VIOLATED** an order for protection that was issued by a court of another state or a Native American tribe and is in effect at the time of the violation if the person seeking the assistance of the law enforcement officer:

(1) has filed with the District Court or circuit court for the jurisdiction in which the person seeks assistance a copy of the order; or

(2) displays or presents to the law enforcement officer a copy of the order that appears valid on its face.

4–509.

(a) A person who fails to comply with the relief granted in an interim protective order under § 4–504.1(c)(1), (2), (3), (4)(i), (7), or (8) of this subtitle, a temporary protective order under § 4–505(a)(2)(i), (ii), (iii), (iv), or (v) of this subtitle, or a final protective order under § 4–506(d)(1), (2), (3), (4), (5), or (12) of this subtitle is guilty of a misdemeanor and on conviction is subject, for each offense, to:

(1) for a first offense, a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both; and

(2) for a second or subsequent offense, a fine not exceeding \$2,500 or imprisonment not exceeding 1 year or both.

(b) An officer shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe [is in violation of] **HAS VIOLATED A PROVISION OF** an interim, temporary, or final protective order **SPECIFIED IN SUBSECTION (A) OF THIS SECTION** in effect at the time of the violation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.