

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 532 (Senator Zirkin)
Judicial Proceedings

Peace Orders and Protective Orders - Service of Process on Nonresidents

This bill authorizes a petitioner to use a private process service to serve an interim or temporary peace or protective order and service of petitions and specified orders on a nonresident by a private process server. A petitioner who decides to use a private process service is required to pay for service of a witness subpoena or an interim, temporary, or final protective order on the respondent.

Fiscal Summary

State Effect: The bill's requirements can be handled using existing budgeted State resources.

Local Effect: The bill's requirements can be handled using existing budgeted local resources.

Small Business Effect: Potential minimal increase in revenues for private process servers.

Analysis

Current Law: Law enforcement agencies serve peace and protective orders on respondents. A petitioner is not required to pay a filing fee or costs for the issuance or service of a witness subpoena or an interim, temporary, or final protective order. Typically, a respondent is personally served in the first instance. Service is made by first-class mail only when the respondent has already been personally served and the court has obtained jurisdiction over him/her.

Background: Situations in which a petitioner for a peace or protective order resides in one state and a respondent lives in another typically arise when states are in close proximity to one another and it is possible to work in one state and live in another. The Administrative Office of the Courts advises that adjoining states often have reciprocity agreements through which service is made on a respondent in another state by the serving state's service agency at no charge to the state issuing the order.

In fiscal 2007 (the last information available), 16,749 peace order cases were filed in the District Court. The following table shows judicial activity during that same period with regard to protective orders.

<u>Jurisdiction</u>	<u>Hearings</u>	<u>Interim Protective Orders Granted</u>	<u>Temporary Orders Granted</u>	<u>Final Protective Orders Granted</u>
Circuit Court	7,106	n/a	1,936	1,290
District Court	53,952	10,170	15,491	7,814

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 - March 11, 2009
mcp/kdm

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