

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 118
Judiciary

(Delegate Simmons, *et al.*)

Domestic Violence - Domestic Violence Central Repository

This bill requires the Administrative Office of the Courts to maintain a Domestic Violence Central Repository to store all domestic violence orders entered in the State. The purposes of the repository are to: (1) provide court and law enforcement personnel with immediate access to domestic violence orders; (2) improve the courts' ability to respond effectively, promptly, and in a coordinated manner to domestic violence cases; (3) eliminate conflicting or simultaneous domestic violence orders by improving communication between the District Court and the circuit courts; (4) enhance the enforceability of domestic violence orders by law enforcement agencies; and (5) facilitate service of domestic violence orders.

Fiscal Summary

State Effect: None, assuming the bill is intended to codify current practice.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: There is no statute mandating a domestic violence central repository. However, in 2006 the Judiciary's Department of Family Administration was awarded a grant by the Office of Violence Against Women to complete a statewide database for protective and peace orders. On July 1, 2008, the Maryland Judiciary launched the database (the central repository) that includes all protective and peace orders issued by Maryland District and circuit court judges and District Court commissioners.

According to the Judiciary, the database was designed to provide Maryland's law enforcement agencies with real time, secure access to imaged copies of protective orders and peace orders issued by the District or circuit courts. This enables law enforcement to verify the existence and content of an order at any time, even when they respond to domestic violence calls, and to make immediate arrests when violations occur. The database was also intended to enable court personnel to eliminate conflicting or simultaneous orders between District and circuit courts that share concurrent jurisdiction over domestic violence cases.

State Fiscal Effect: To the extent that the bill's intent is to codify the current practice of storing only peace and protective orders as currently implemented by the Administrative Office of the Courts, the bill has no fiscal impact. The central repository is already operational.

The Judiciary advises that the bill's provision to include all "domestic violence orders" entered in the State may be interpreted as requiring the inclusion of other orders that include protection for victims, including criminal stay away orders and domestic relations orders. The Judiciary estimates the cost to include all "domestic violence orders" in the central repository is at least \$2.5 million, based on projected system modifications that may be required.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, State's Attorneys' Association, *The Washington Post*, Department of Legislative Services

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mlm/kdm

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