

HOUSE BILL 662

D4, E2

01r0875

By: **Delegate Barnes**

Introduced and read first time: February 4, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Peace Orders and Protective Orders – Violations – Expedited Trial**

3 FOR the purpose of requiring a court that has jurisdiction over a defendant charged
4 with a violation of a peace order or protective order to schedule the trial to occur
5 within a certain period of time; and generally relating to violations of peace
6 orders and protective orders.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–1508
10 Annotated Code of Maryland
11 (2006 Replacement Volume and 2009 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Family Law
14 Section 4–509
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2009 Supplement)

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

19 **Article – Courts and Judicial Proceedings**

20 3–1508.

21 (a) An individual who fails to comply with the relief granted in an interim
22 peace order under § 3–1503.1 of this subtitle, a temporary peace order under §
23 3–1504(a)(2) of this subtitle, or a final peace order under § 3–1505(d)(1)(i), (ii), (iii), or
24 (iv) of this subtitle is guilty of a misdemeanor and on conviction is subject, for each
25 offense, to a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) A law enforcement officer shall arrest with or without a warrant and take
2 into custody an individual who the officer has probable cause to believe is in violation
3 of an interim peace order, temporary peace order, or final peace order in effect at the
4 time of the violation.

5 (c) A COURT THAT HAS JURISDICTION OVER A DEFENDANT CHARGED
6 WITH A VIOLATION OF THIS SECTION SHALL SCHEDULE THE TRIAL, IF
7 APPLICABLE, TO OCCUR WITHIN 30 DAYS AFTER THE DEFENDANT IS CHARGED.

8 **Article – Family Law**

9 4–509.

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

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

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

19 (b) An officer shall arrest with or without a warrant and take into custody a
20 person who the officer has probable cause to believe is in violation of an interim,
21 temporary, or final protective order in effect at the time of the violation.

22 (c) A COURT THAT HAS JURISDICTION OVER A DEFENDANT CHARGED
23 WITH A VIOLATION OF THIS SECTION SHALL SCHEDULE THE TRIAL, IF
24 APPLICABLE, TO OCCUR WITHIN 30 DAYS AFTER THE DEFENDANT IS CHARGED.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2010.