

HOUSE BILL 872

D4, E4

1lr1421

By: **Delegates Simmons and Kramer**

Introduced and read first time: February 11, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Final Protective Order – Global Positioning Satellite Tracking**

3 FOR the purpose of authorizing a judge to order a respondent to be monitored through
4 global positioning satellite tracking or similar technology as part of a final
5 protective order if the judge finds by clear and convincing evidence that the
6 respondent presents a present risk of abuse to any person eligible for relief; and
7 generally relating to final protective orders and global positioning satellite
8 tracking.

9 BY repealing and reenacting, with amendments,
10 Article – Family Law
11 Section 4–506(d)
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2010 Supplement)

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

16 **Article – Family Law**

17 4–506.

18 (d) The final protective order may include any or all of the following relief:

19 (1) order the respondent to refrain from abusing or threatening to
20 abuse any person eligible for relief;

21 (2) order the respondent to refrain from contacting, attempting to
22 contact, or harassing any person eligible for relief;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) order the respondent to refrain from entering the residence of any
2 person eligible for relief;

3 (4) where the person eligible for relief and the respondent are residing
4 together at the time of the abuse, order the respondent to vacate the home
5 immediately and award temporary use and possession of the home to the person
6 eligible for relief or, in the case of alleged abuse of a child or alleged abuse of a
7 vulnerable adult, award temporary use and possession of the home to an adult living
8 in the home, provided that the court may not grant an order to vacate and award
9 temporary use and possession of the home to a nonspouse person eligible for relief
10 unless the name of the person eligible for relief appears on the lease or deed to the
11 home or the person eligible for relief has shared the home with the respondent for a
12 period of at least 90 days within 1 year before the filing of the petition;

13 (5) order the respondent to remain away from the place of
14 employment, school, or temporary residence of a person eligible for relief or home of
15 other family members;

16 (6) order the respondent to remain away from a child care provider of
17 a person eligible for relief while a child of the person is in the care of the child care
18 provider;

19 (7) award temporary custody of a minor child of the respondent and a
20 person eligible for relief;

21 (8) establish temporary visitation with a minor child of the respondent
22 and a person eligible for relief on a basis which gives primary consideration to the
23 welfare of the minor child and the safety of any other person eligible for relief. If the
24 court finds that the safety of a person eligible for relief will be jeopardized by
25 unsupervised or unrestricted visitation, the court shall condition or restrict visitation
26 as to time, place, duration, or supervision, or deny visitation entirely, as needed to
27 guard the safety of any person eligible for relief;

28 (9) award emergency family maintenance as necessary to support any
29 person eligible for relief to whom the respondent has a duty of support under this
30 article, including an immediate and continuing withholding order on all earnings of
31 the respondent in the amount of the ordered emergency family maintenance in
32 accordance with the procedures specified in Title 10, Subtitle 1, Part III of this article;

33 (10) award temporary use and possession of a vehicle jointly owned by
34 the respondent and a person eligible for relief to the person eligible for relief if
35 necessary for the employment of the person eligible for relief or for the care of a minor
36 child of the respondent or a person eligible for relief;

37 (11) direct the respondent or any or all of the persons eligible for relief
38 to participate in professionally supervised counseling or a domestic violence program;
39 [or]

1 (12) ORDER THE RESPONDENT TO BE MONITORED THROUGH
2 GLOBAL POSITIONING SATELLITE TRACKING OR SIMILAR TECHNOLOGY IF THE
3 JUDGE FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE RESPONDENT
4 PRESENTS A PRESENT RISK OF ABUSE TO ANY PERSON ELIGIBLE FOR RELIEF;
5 OR

6 (13) order the respondent to pay filing fees and costs of a proceeding
7 under this subtitle.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2011.