

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 342

(Senators Ramirez and Forehand)

Judicial Proceedings

Judiciary

Peace Orders - Extension of Duration

This bill authorizes a judge, for good cause shown, to extend the term of a final peace order for an additional six months after (1) giving notice to the petitioner and the respondent; and (2) a hearing.

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures from penalties imposed in cases involving violations of final peace orders that occur during the extended effective period of the order.

Local Effect: Minimal increase in local expenditures as a result of the extended application of current incarceration penalties.

Small Business Effect: None.

Analysis

Current Law: An individual who does not meet the requirements of a “person eligible for relief” under protective order statutes in the Family Law Article may file a petition for a peace order with the District Court or, if the clerk’s office is closed, a District Court commissioner, that alleges the commission of specified acts against the petitioner by the respondent, if the act occurred within 30 days before the filing of the petition.

If after a hearing on a petition, a judge finds that there are reasonable grounds to believe that the respondent has committed, and is likely to commit in the future, one of the specified acts against the petitioner, the judge may issue a temporary peace order to protect the petitioner. The order must contain only the relief that is minimally necessary

to protect the petitioner. A temporary peace order may order a respondent to (1) refrain from committing or threatening to commit specified acts; (2) refrain from contacting, attempting to contact, or harassing the petitioner; or (3) stay away from specific locations. Temporary peace orders are effective for not more than 7 days after service of the order but may be extended for up to 30 days. The temporary peace order must state the date and time of the final peace order hearing.

After a final peace order hearing, if a judge finds by clear and convincing evidence that the respondent has committed, and is likely to commit in the future, one of the previously mentioned acts against the petitioner, or if the respondent consents to the entry of a peace order, the court may issue a final peace order to protect the petitioner. The order must contain only the relief that is minimally necessary to protect the petitioner. Final peace orders may direct the respondent or petitioner to participate in counseling or mediation, and may include the forms of relief available under a temporary peace order. Relief granted in a final peace order is effective for the period stated in the order, but may not exceed six months.

An individual who fails to comply with specified provisions of an interim, temporary, or final peace order is guilty of a misdemeanor and subject to maximum penalties of a \$1,000 fine and/or 90 days imprisonment.

Background: In fiscal 2009, the District Court granted 7,195 final peace orders.

State Revenues: General fund revenues increase minimally as a result of the bill's extended application of a monetary penalty imposed in cases heard in the District Court.

State Expenditures: General fund expenditures increase minimally as a result of the bill's extended application of a current incarceration penalty due to more people being committed to Division of Correction facilities for convictions in Baltimore City.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Local Expenditures: Expenditures increase as a result of the bill's extended application of a current incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from \$57 to \$157 per inmate in recent years.

Additional Information

Prior Introductions: None.

Cross File: HB 667 (Delegate Lee, *et al.*) - Judiciary.

Information Source(s): Governor's Office of Crime Control and Prevention, Judiciary (Administrative Office of the Courts), Department of State Police, Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2011
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