

# SENATE BILL 417

D4, D3

3lr1585  
CF HB 853

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By: **Senators Forehand, Benson, Kelley, and Madaleno**

Introduced and read first time: January 28, 2013

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Family Law – Domestic Violence – Permanent Final Protective Orders**

3 FOR the purpose of requiring a court to issue a permanent final protective order  
4 against an individual who is sentenced to, instead of who served, a certain term  
5 of imprisonment for ~~certain crimes~~ a certain act of abuse under certain  
6 circumstances and who has served a certain period of time; ~~adding the crime of~~  
7 ~~assault in the second degree to the list of~~ altering the crimes, the commission of  
8 which subjects an individual to the issuance of a permanent final protective  
9 order against the individual under certain circumstances; and generally relating  
10 to domestic violence and permanent final protective orders.

11 BY repealing and reenacting, without amendments,  
12 Article – Criminal Law  
13 Section 3–203  
14 Annotated Code of Maryland  
15 (2012 Replacement Volume and 2012 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article – Family Law  
18 Section 4–506(k)  
19 Annotated Code of Maryland  
20 (2012 Replacement Volume)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Criminal Law**

2 3–203.

3 (a) A person may not commit an assault.

4 (b) Except as provided in subsection (c) of this section, a person who violates  
5 subsection (a) of this section is guilty of the misdemeanor of assault in the second  
6 degree and on conviction is subject to imprisonment not exceeding 10 years or a fine  
7 not exceeding \$2,500 or both.

8 (c) (1) In this subsection, “physical injury” means any impairment of  
9 physical condition, excluding minor injuries.

10 (2) A person may not intentionally cause physical injury to another if  
11 the person knows or has reason to know that the other is:

12 (i) a law enforcement officer engaged in the performance of the  
13 officer’s official duties; or

14 (ii) a parole or probation agent engaged in the performance of  
15 the agent’s official duties.

16 (3) A person who violates paragraph (2) of this subsection is guilty of  
17 the felony of assault in the second degree and on conviction is subject to imprisonment  
18 not exceeding 10 years or a fine not exceeding \$5,000 or both.

19 **Article – Family Law**

20 4–506.

21 (k) (1) Notwithstanding any other provision of this section, the court shall  
22 issue a new final protective order against an individual if:

23 (i) the individual was previously a respondent under this  
24 subtitle against whom a final protective order was issued;

25 (ii) the individual was convicted and [served] **SENTENCED TO** a  
26 term of imprisonment of at least 5 years ~~under § 2–205, § 2–206, § 3–202, § 3–203, §~~  
27 ~~3–203, § 3–204, § 3–205, § 3–206, § 3–209, § 3–210, § 3–211, or § 3–212 of the Criminal~~  
28 ~~Law Article~~ for the act of abuse that led to the issuance of the final protective order  
29 **AND HAS SERVED AT LEAST 12 MONTHS OF THE SENTENCE;** and

30 (iii) the victim of the abuse who was the person eligible for relief  
31 in the original final protective order requests the issuance of a new final protective  
32 order.

1                   (2)    In a final protective order issued under this subsection, the court  
2 may grant only the relief that was granted in the original protective order under  
3 subsection (d)(1) or (2) of this section.

4                   (3)    Unless terminated at the request of the victim, a final protective  
5 order issued under this subsection shall be permanent.

6                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2013.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.