

# HOUSE BILL 352

D4, D3

4r1508  
CF SB 369

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By: **Delegates Valentino–Smith, Arora, Beidle, Braveboy, Carter, Clippinger, DeBoy, Dumais, Eckardt, Frush, Haddaway–Riccio, Healey, Howard, Hubbard, Ivey, McDermott, Rosenberg, Swain, Valderrama, and Waldstreicher**

Introduced and read first time: January 22, 2014

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: March 4, 2014

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

1 AN ACT concerning

2 **Peace Orders and Protective Orders – Penalties – Second or Subsequent**  
3 **Offenses**

4 FOR the purpose of making certain violations for failing to comply with an interim, a  
5 temporary, or a final protective order a prior offense for the purposes of  
6 determining penalties for a second or subsequent offense for failing to comply  
7 with an interim, a temporary, or a final peace order; making certain violations  
8 for failing to comply with an interim, a temporary, or a final peace order a prior  
9 offense for the purposes of determining penalties for a second or subsequent  
10 offense for failing to comply with an interim, a temporary, or a final protective  
11 order; and generally relating to the penalties for second or subsequent offenses  
12 for violating peace orders and protective orders.

13 BY repealing and reenacting, with amendments,  
14 Article – Courts and Judicial Proceedings  
15 Section 3–1508  
16 Annotated Code of Maryland  
17 (2013 Replacement Volume and 2013 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – Family Law  
20 Section 4–509

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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 Annotated Code of Maryland  
2 (2012 Replacement Volume and 2013 Supplement)

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

5 **Article – Courts and Judicial Proceedings**

6 3–1508.

7 (a) An individual who fails to comply with the relief granted in an interim  
8 peace order under § 3–1503.1 of this subtitle, a temporary peace order under §  
9 3–1504(a)(2) of this subtitle, or a final peace order under § 3–1505(d)(1)(i), (ii), (iii), or  
10 (iv) of this subtitle is guilty of a misdemeanor and on conviction is subject to:

11 (1) For a first offense, a fine not exceeding \$1,000 or imprisonment not  
12 exceeding 90 days or both; and

13 (2) For a second or subsequent offense, a fine not exceeding \$2,500 or  
14 imprisonment not exceeding 1 year or both.

15 **(B) FOR THE PURPOSE OF SECOND OR SUBSEQUENT OFFENDER**  
16 **PENALTIES PROVIDED UNDER SUBSECTION (A)(2) OF THIS SECTION, A PRIOR**  
17 **CONVICTION UNDER § 4–509 OF THE FAMILY LAW ARTICLE SHALL BE**  
18 **CONSIDERED A CONVICTION UNDER THIS SECTION.**

19 **[(b)] (C)** A law enforcement officer shall arrest with or without a warrant  
20 and take into custody an individual who the officer has probable cause to believe is in  
21 violation of an interim peace order, temporary peace order, or final peace order in  
22 effect at the time of the violation.

23 **Article – Family Law**

24 4–509.

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

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

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

1           **(B) FOR THE PURPOSE OF SECOND OR SUBSEQUENT OFFENDER**  
2 **PENALTIES PROVIDED UNDER SUBSECTION (A)(2) OF THIS SECTION, A PRIOR**  
3 **CONVICTION UNDER § 3-1508 OF THE COURTS ARTICLE SHALL BE CONSIDERED**  
4 **A CONVICTION UNDER THIS SECTION.**

5           **[(b)] (C)**     An officer shall arrest with or without a warrant and take into  
6 custody a person who the officer has probable cause to believe is in violation of an  
7 interim, temporary, or final protective order in effect at the time of the violation.

8           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.