

HOUSE BILL 647

D4

4r1699
CF SB 434

By: **Delegates Waldstreicher, Clippinger, Dumais, Gutierrez, Lee, and A. Miller**

Introduced and read first time: January 30, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Peace Orders and Protective Orders – Extensions**

3 FOR the purpose of requiring the court, under certain circumstances, to hold a hearing
4 on a certain motion to extend the term of a final peace order or a final protective
5 order within a certain period of time after the motion is filed; requiring the
6 court, under certain circumstances, to extend the order and keep the terms of
7 the order in full force and effect until the hearing; and generally relating to
8 peace orders and protective orders.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 3–1506(a)
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2013 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Family Law
16 Section 4–507(a)
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2013 Supplement)

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

21 **Article – Courts and Judicial Proceedings**

22 3–1506.

23 (a) (1) A peace order may be modified or rescinded during the term of the
24 peace order after:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) Giving notice to the petitioner and the respondent; and

2 (ii) A hearing.

3 (2) For good cause shown, a judge may extend the term of the peace
4 order for 6 months beyond the period specified in § 3–1505(f) of this subtitle, after:

5 (i) Giving notice to the petitioner and the respondent; and

6 (ii) A hearing.

7 **(3) (I) IF, DURING THE TERM OF A FINAL PEACE ORDER, A**
8 **PETITIONER FILES A MOTION TO EXTEND THE TERM OF THE ORDER UNDER**
9 **PARAGRAPH (2) OF THIS SUBSECTION, THE COURT SHALL HOLD A HEARING ON**
10 **THE MOTION WITHIN 30 DAYS AFTER THE MOTION IS FILED.**

11 **(II) IF THE HEARING ON THE MOTION IS SCHEDULED AFTER**
12 **THE ORIGINAL EXPIRATION DATE OF THE FINAL PEACE ORDER, THE COURT**
13 **SHALL EXTEND THE ORDER AND KEEP THE TERMS OF THE ORDER IN FULL**
14 **FORCE AND EFFECT UNTIL THE HEARING ON THE MOTION.**

15 **Article – Family Law**

16 4–507.

17 (a) (1) A protective order may be modified or rescinded during the term of
18 the protective order after:

19 (i) giving notice to all affected persons eligible for relief and the
20 respondent; and

21 (ii) a hearing.

22 (2) For good cause shown, a judge may extend the term of the
23 protective order for 6 months beyond the period specified in § 4–506(j) of this subtitle,
24 after:

25 (i) giving notice to all affected persons eligible for relief and the
26 respondent; and

27 (ii) a hearing.

28 (3) (i) If, during the term of a protective order, a judge finds by
29 clear and convincing evidence that the respondent named in the protective order has
30 committed a subsequent act of abuse against a person eligible for relief named in the

1 protective order, the judge may extend the term of the protective order for a period not
2 to exceed 2 years from the date the extension is granted, after:

3 1. giving notice to all affected persons eligible for relief
4 and the respondent; and

5 2. a hearing.

6 (ii) In determining the period of extension of a protective order
7 under subparagraph (i) of this paragraph, the judge shall consider the following
8 factors:

9 1. the nature and severity of the subsequent act of
10 abuse;

11 2. the history and severity of abuse in the relationship
12 between the respondent and any person eligible for relief named in the protective
13 order;

14 3. the pendency and type of criminal charges against the
15 respondent; and

16 4. the nature and extent of the injury or risk of injury
17 caused by the respondent.

18 **(4) (I) IF, DURING THE TERM OF A FINAL PROTECTIVE ORDER,**
19 **A PETITIONER OR PERSON ELIGIBLE FOR RELIEF FILES A MOTION TO EXTEND**
20 **THE TERM OF THE ORDER UNDER PARAGRAPH (2) OR (3) OF THIS SUBSECTION,**
21 **THE COURT SHALL HOLD A HEARING ON THE MOTION WITHIN 30 DAYS AFTER**
22 **THE MOTION IS FILED.**

23 **(II) IF THE HEARING ON THE MOTION IS SCHEDULED AFTER**
24 **THE ORIGINAL EXPIRATION DATE OF THE FINAL PROTECTIVE ORDER, THE**
25 **COURT SHALL EXTEND THE ORDER AND KEEP THE TERMS OF THE ORDER IN**
26 **FULL FORCE AND EFFECT UNTIL THE HEARING ON THE MOTION.**

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