

SB0315/618874/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 315
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “circumstances;” insert “authorizing a judge, under certain circumstances, to extend the term of a protective order for a certain period of time if the respondent named in the protective order consents to the extension; making a conforming change;”; and in line 8, after “4-506(j)” insert “and 4-507(a)(3)”.

AMENDMENT NO. 2

On page 2, after line 12, insert:

“4-507.

(a) (3) (i) [If.] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A JUDGE MAY EXTEND THE TERM OF A PROTECTIVE ORDER FOR A PERIOD NOT TO EXCEED 2 YEARS FROM THE DATE THE EXTENSION IS GRANTED IF:

1. during the term of [a] THE protective order, [a] THE judge finds by a preponderance of the evidence that the respondent named in the protective order has committed a subsequent act of abuse against a person eligible for relief named in the protective [order.] ORDER; OR

2. THE RESPONDENT NAMED IN THE PROTECTIVE ORDER CONSENTS TO THE EXTENSION OF THE PROTECTIVE ORDER.

(Over)

(II) [the] THE judge may extend the term of the protective order [for a period not to exceed 2 years from the date the extension is granted.] UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH after:

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

2. a hearing.

[(ii)] (III) In determining the period of extension of a protective order under subparagraph [(i)](I)1 of this paragraph, the judge shall consider the following factors:

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

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

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

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