

HOUSE BILL 534

D4

6lr2328
CF 6lr2406

By: **Delegates Sanchez, Dumais, Barron, and Fennell**

Introduced and read first time: February 3, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Protective Orders – Notification of Service – Sunset Repeal**

3 FOR the purpose of repealing the termination date of certain provisions of law relating to
4 notice of the service on a respondent of certain protective orders; repealing certain
5 obsolete provisions relating to a certain contingency; and generally relating to
6 notification of the service of a protective order.

7 BY repealing and reenacting, without amendments,
8 Article – Family Law
9 Section 4–504(d), 4–504.1(g), and 4–505(b)(1)
10 Annotated Code of Maryland
11 (2012 Replacement Volume and 2015 Supplement)

12 BY repealing and reenacting, with amendments,
13 Chapter 711 of the Acts of the General Assembly of 2009, as amended by Chapter
14 103 of the Acts of the General Assembly of 2011 and Chapter 79 of the Acts of
15 the General Assembly of 2013
16 Section 2

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

19 **Article – Family Law**

20 4–504.

21 (d) (1) If a petitioner has requested notification of the service of a protective
22 order, the Department of Public Safety and Correctional Services shall:

23 (i) notify the petitioner of the service on the respondent of an
24 interim or a temporary protective order within one hour after a law enforcement officer

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 electronically notifies the Department of Public Safety and Correctional Services of the
2 service; and

3 (ii) notify the petitioner of the service on the respondent of a final
4 protective order within one hour after knowledge of service of the order on the respondent.

5 (2) The Department of Public Safety and Correctional Services shall
6 develop a notification request form and procedures for notification under this subsection.

7 (3) The court clerk or Commissioner shall provide the notification request
8 form to a petitioner.

9 4-504.1.

10 (g) A law enforcement officer shall:

11 (1) immediately on receipt of a petition and interim protective order, serve
12 them on the respondent named in the order;

13 (2) immediately after service, make a return of service to the
14 commissioner's office or, if the Office of the District Court Clerk is open for business, to the
15 Clerk; and

16 (3) within two hours after service of the order on the respondent,
17 electronically notify the Department of Public Safety and Correctional Services of the
18 service.

19 4-505.

20 (b) (1) Except as provided in paragraph (2) of this subsection, a law
21 enforcement officer shall:

22 (i) immediately serve the temporary protective order on the alleged
23 abuser under this section; and

24 (ii) within two hours after service of the order on the respondent,
25 electronically notify the Department of Public Safety and Correctional Services of the
26 service using an electronic system approved and provided by the Department of Public
27 Safety and Correctional Services.

28 **Chapter 711 of the Acts of 2009, as amended by Chapter 103 of the Acts of 2011**
29 **and Chapter 79 of the Acts of 2013**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 January 1, 2010[, contingent on the receipt by the Governor's Office of Crime Control and
32 Prevention of federal funds under the American Recovery and Reinvestment Act of 2009 to
33 fund implementation of the notification requirements under this Act and if federal funds

1 are not received for this purpose by January 1, 2010, this Act shall be null and void without
2 the necessity of further action by the General Assembly. It shall remain effective for a
3 period of 7 years and, at the end of December 31, 2016, with no further action required by
4 the General Assembly, this Act shall be abrogated and of no further force and effect].

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2016.