

# SENATE BILL 960

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6lr3577  
CF 6lr2386

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By: **Senator Muse**

Introduced and read first time: February 5, 2016

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Domestic Violence – Definition of Abuse**

3 FOR the purpose of altering the definition of “abuse” for purposes of certain provisions of  
4 law relating to domestic violence to include harassment and malicious destruction of  
5 property; defining certain terms; and generally relating to domestic violence.

6 BY repealing and reenacting, with amendments,  
7 Article – Family Law  
8 Section 4–501  
9 Annotated Code of Maryland  
10 (2012 Replacement Volume and 2015 Supplement)

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

### Article – Family Law

13 4–501.

14 (a) In this subtitle the following words have the meanings indicated.

15 (b) (1) “Abuse” means any of the following acts:

16 (i) an act that causes serious bodily harm;

17 (ii) an act that places a person eligible for relief in fear of imminent  
18 serious bodily harm;

19 (iii) assault in any degree;  
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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iv) rape or sexual offense under §§ 3–303 through 3–308 of the  
2 Criminal Law Article or attempted rape or sexual offense in any degree;

3 (v) false imprisonment; [or]

4 (vi) stalking under § 3–802 of the Criminal Law Article;

5 **(VII) HARASSMENT; OR**

6 **(VIII) MALICIOUS DESTRUCTION OF PROPERTY.**

7 (2) If the person for whom relief is sought is a child, “abuse” may also  
8 include abuse of a child, as defined in Title 5, Subtitle 7 of this article. Nothing in this  
9 subtitle shall be construed to prohibit reasonable punishment, including reasonable  
10 corporal punishment, in light of the age and condition of the child, from being performed  
11 by a parent or stepparent of the child.

12 (3) If the person for whom relief is sought is a vulnerable adult, “abuse”  
13 may also include abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this article.

14 (c) “Child care provider” means a person that provides supervision and care for a  
15 minor child.

16 (d) “Cohabitant” means a person who has had a sexual relationship with the  
17 respondent and resided with the respondent in the home for a period of at least 90 days  
18 within 1 year before the filing of the petition.

19 (e) “Commissioner” means a District Court Commissioner appointed in  
20 accordance with Article IV, § 41G of the Maryland Constitution.

21 (f) “Court” means the District Court or a circuit court in this State.

22 (g) “Emergency family maintenance” means a monetary award given to or for a  
23 person eligible for relief to whom the respondent has a duty of support under this article  
24 based on:

25 (1) the financial needs of the person eligible for relief; and

26 (2) the resources available to the person eligible for relief and the  
27 respondent.

28 (h) “Executive Director” means the Executive Director of the Governor’s Office of  
29 Crime Control and Prevention.

30 (i) “Final protective order” means a protective order issued under § 4–506 of this  
31 subtitle.

1           **(J) “HARASSMENT” MEANS AN INTENTIONAL OR KNOWING COURSE OF**  
2 **CONDUCT OR A SERIES OF ACTS, INCLUDING WRITTEN OR ELECTRONIC**  
3 **COMMUNICATION OR TRANSMISSION, THAT CONTINUES AFTER A REASONABLE**  
4 **WARNING OR REQUEST TO STOP BY OR ON BEHALF OF ANOTHER PERSON AND THAT:**

5           **(1) SERIOUSLY ALARMS, TORMENTS, TERRORIZES, OR DISTURBS**  
6 **ANOTHER PERSON;**

7           **(2) HAS NO LEGAL PURPOSE; AND**

8           **(3) WOULD CAUSE A REASONABLE PERSON TO SUFFER MENTAL OR**  
9 **EMOTIONAL DISTRESS.**

10          ~~[(j)]~~ **(K)**       “Home” means the property in this State that:

11           (1)     is the principal residence of a person eligible for relief; and

12           (2)     is owned, rented, or leased by the person eligible for relief or respondent  
13 or, in a petition alleging child abuse or abuse of a vulnerable adult, an adult living in the  
14 home at the time of a proceeding under this subtitle.

15          ~~[(k)]~~ **(L)**       “Interim protective order” means an order that a Commissioner issues  
16 under this subtitle pending a hearing by a judge on a petition.

17          ~~[(l)]~~ **(M)**       “Local department” means the local department that has jurisdiction in  
18 the county:

19           (1)     where the home is located; or

20           (2)     if different, where the abuse is alleged to have taken place.

21          **(N) “MALICIOUS DESTRUCTION OF PROPERTY” MEANS AN ACT THAT**  
22 **WILLFULLY DESTROYS, INJURES, OR DEFACES THE REAL OR PERSONAL PROPERTY**  
23 **OF ANOTHER, INCLUDING A PERMANENT DRAWING, PAINTING, MARKING, OR**  
24 **INSCRIPTION, EVEN IF THE PROPERTY IS HELD AS TENANTS BY THE ENTIRETY.**

25          ~~[(m)]~~ **(O)**       “Person eligible for relief” includes:

26           (1)     the current or former spouse of the respondent;

27           (2)     a cohabitant of the respondent;

28           (3)     a person related to the respondent by blood, marriage, or adoption;

1 (4) a parent, stepparent, child, or stepchild of the respondent or the person  
2 eligible for relief who resides or resided with the respondent or person eligible for relief for  
3 at least 90 days within 1 year before the filing of the petition;

4 (5) a vulnerable adult;

5 (6) an individual who has a child in common with the respondent; or

6 (7) an individual who has had a sexual relationship with the respondent  
7 within 1 year before the filing of the petition.

8 **[(n)] (P)** (1) “Pet” means a domesticated animal.

9 (2) “Pet” does not include livestock.

10 **[(o)] (Q)** (1) “Petitioner” means an individual who files a petition.

11 (2) “Petitioner” includes:

12 (i) a person eligible for relief; or

13 (ii) the following persons who may seek relief from abuse on behalf  
14 of a minor or vulnerable adult:

15 1. the State’s Attorney for the county where the child or  
16 vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;

17 2. the department of social services that has jurisdiction in  
18 the county where the child or vulnerable adult lives, or, if different, where the abuse is  
19 alleged to have taken place;

20 3. a person related to the child or vulnerable adult by blood,  
21 marriage, or adoption; or

22 4. an adult who resides in the home.

23 **[(p)] (R)** “Residence” includes the yard, grounds, outbuildings, and common  
24 areas surrounding the residence.

25 **[(q)] (S)** “Respondent” means the person alleged in the petition to have  
26 committed the abuse.

27 **[(r)] (T)** “Temporary protective order” means a protective order issued under §  
28 4–505 of this subtitle.

29 **[(s)] (U)** “Victim” includes a person eligible for relief.

1            ~~[(t)]~~ (v)        “Vulnerable adult” has the meaning provided in § 14–101(q) of this  
2 article.

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