

Department of Legislative Services
 Maryland General Assembly
 2016 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1396 (Delegate Angel, *et al.*)
 Judiciary

Domestic Violence - Education and Definition of Abuse

This bill expands the definition of “abuse” as it applies to petitions for domestic violence protective orders to include “harassment” and the “malicious destruction of property.” The bill also requires the State Board of Education to encourage the county boards to incorporate age-appropriate lessons on domestic violence into the health education curriculum.

Fiscal Summary

State Effect: General fund expenditures for the Judiciary increase by \$68,900 in FY 2017 only for programming changes. Otherwise, the bill does not materially impact the workload of the Judiciary. The enforcement of additional protective orders can be handled using existing budgeted resources. The State Board of Education can handle the bill’s requirement using existing budgeted resources. Revenues are not affected.

(in dollars)	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	68,900	0	0	0	0
Net Effect	(\$68,900)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: The bill does not materially impact the workload of the circuit courts. The enforcement of additional protective orders can also be handled using existing budgeted resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: “Harassment” means an intentional or knowing course of conduct or a series of acts, including written or electronic communication or transmission, that continues after a reasonable warning or request to stop by or on behalf of another person and that (1) seriously alarms, torments, terrorizes, or disturbs another person; (2) has no legal purpose; and (3) would cause a reasonable person to suffer mental or emotional distress.

“Malicious destruction of property” means an act that willfully destroys, injures, or defaces the real or personal property of another, including a permanent drawing, painting, marking, or inscription, even if the property is held as tenants by the entirety.

Current Law:

Definitions

An individual may seek relief from “abuse” by filing a petition for a protective order with the court, or if the clerk’s office is closed, with a District Court commissioner.

“Abuse” is defined as:

- an act that causes serious bodily harm;
- an act that places a person eligible for relief in fear of imminent serious bodily harm;
- assault in any degree;
- rape or sexual offense or attempted rape or sexual offense in any degree;
- false imprisonment; or
- stalking.

If the person for whom relief is sought is a child, “abuse” may also include abuse of a child as defined in statute. “Abuse” may also include abuse of a vulnerable adult, as defined in statute, if the person for whom relief is sought is a vulnerable adult.

Health Education Curriculum

The State Board of Education must encourage the county boards to incorporate age-appropriate lessons on dating violence, diabetes and its treatment and prevention, oral disease prevention, and dental health promotion into the health education curriculum.

Background: According to the *2014 Uniform Crime Report*, 27,242 domestic violence crimes were reported in Maryland. Assault was by far the most frequently reported crime,

with 24,485 incidents in calendar 2014. Of reported assaults, simple assaults comprised 19,697 incidents. There were 67 domestic violence homicides. There were 329 reports of malicious destruction of property; specific information regarding harassment is not included in the *Uniform Crime Report*.

In fiscal 2014 (the latest information readily available), the circuit courts granted 1,795 temporary protective orders and 1,287 final protective orders. In fiscal 2015, the District Court granted 10,598 interim protective orders, 14,732 temporary protective orders, and 6,832 final protective orders.

Additional Information

Prior Introductions: None.

Cross File: Although designated as a cross file, SB 960 (Senator Muse – Judicial Proceedings) is not identical.

Information Source(s): Judiciary (Administrative Office of the Courts), State’s Attorneys’ Association, Department of State Police, Department of Legislative Services

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min/kdm

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