

**Department of Legislative Services**  
Maryland General Assembly  
2016 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 819

(Delegate Atterbeary, *et al.*)

Judiciary

**Domestic Violence - Permanent Protective Orders - Probation and Suspended Sentence**

This bill specifies that for provisions of law that require a court to issue a permanent final protective order against an individual who was convicted and sentenced to serve a term of imprisonment of at least five years for specified crimes, the applicable term of imprisonment includes any period of probation or portion of the sentence suspended.

**Fiscal Summary**

**State Effect:** General fund expenditures for the Judiciary increase by \$20,400 in FY 2017 only for programming changes. Otherwise, the bill's changes can be implemented and enforced using existing 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	20,400	0	0	0	0
Net Effect	(\$20,400)	\$0	\$0	\$0	\$0

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

**Local Effect:** The bill's changes can be implemented and enforced using existing resources.

**Small Business Effect:** None.

**Analysis**

**Current Law:** A victim of abuse who was the person eligible for relief in an original final protective order may request the issuance of a new final protective order. A court must

issue a new final protective order against an individual if (1) the individual was previously a respondent against whom a final protective order was issued and (2) the individual was convicted and sentenced to serve a term of imprisonment of at least five years for attempted murder in the first or second degrees, first- or second-degree assault, first- or second-degree rape, first- or second-degree sexual offense, attempted rape or sexual offense in the first or second degree, or conspiracy or solicitation to commit murder. The individual must have served at least 12 months of the sentence, and the specified crime must have been the act of abuse that led to the issuance of the original final protective order.

Unless terminated at the request of the victim, a new final protective order issued under these provisions is permanent. A new final protective order may contain only the relief that was granted in the original order that required the respondent to refrain from abusing or threatening to abuse the person eligible for relief or to refrain from contacting, attempting to contact, or harassing the person eligible for relief.

**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.

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. In fiscal 2015, there were a total of six permanent protective order petitions filed.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Public Safety and Correctional Services, Department of State Police, Department of Legislative Services

**Fiscal Note History:** First Reader - March 2, 2016  
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