

Department of Legislative Services
 Maryland General Assembly
 2018 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 599
 Judiciary

(Delegate McComas, *et al.*)

Peace Orders and Protective Orders - Coercive Control

This bill expands the definition of “abuse” as it applies to petitions for domestic violence protective orders to include, if the person for whom relief is sought is an adult, “coercive control.” It also authorizes a person to file a petition for a peace order based on the act of “coercive control.”

Fiscal Summary

State Effect: General fund expenditures increase by \$74,500 in FY 2019 only, as discussed below. Revenues are not affected.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	74,500	0	0	0	0
Net Effect	(\$74,500)	\$0	\$0	\$0	\$0

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

Local Effect: The bill does not materially affect local finances or operations.

Small Business Effect: None.

Analysis

Bill Summary: “Coercive control” means repeated or continuous behavior toward an adult individual that (1) is controlling or coercive; (2) has a “serious effect” on the other individual; and (3) the individual who engages in the behavior knows or reasonably should know will have a “serious effect” on the other individual.

“Serious effect” means (1) fear, on at least two occasions, that violence will be used against the individual or (2) alarm or distress that has a substantial adverse effect on the individual’s usual day-to-day activities.

Current Law:

Protective Orders

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.

Peace Orders

A person who does not meet specified relationship standards under the Family Law Article, which governs protective orders, may file a petition for a peace order. A petition for a peace order must allege that specified acts occurred against the petitioner by the respondent within 30 days before the filing of the petition. Specified acts include (1) an act that causes serious bodily harm; (2) an act that places the petitioner in fear of imminent serious bodily harm; (3) assault in any degree; (4) rape or sexual offense, as specified or attempted rape or sexual offense in any degree; (5) false imprisonment; (6) harassment; (7) stalking; (8) trespassing; (9) malicious destruction of property; (10) misuse of telephone facilities and equipment; (11) misuse of electronic communication or interactive computer service; (12) revenge porn; or (13) visual surveillance.

Background: According to the 2015 *Uniform Crime Report* (the latest information readily available), 30,534 domestic violence crimes were reported in Maryland. Assault was by far the most frequently reported crime, with 25,996 incidents in calendar 2015. Of reported

assaults, simple assaults comprised 21,054 incidents. There were 68 domestic violence homicides.

In fiscal 2016 (the latest information readily available), the circuit courts granted 1,784 temporary protective orders and 1,308 final protective orders. In fiscal 2017, the District Court granted 15,257 interim protective orders, 19,688 temporary protective orders, and 8,933 final protective orders. In fiscal 2017, the District Court granted 7,331 interim peace orders, 16,067 temporary peace orders, and 5,723 final peace orders.

State and Local Fiscal Effect: General fund expenditures increase by \$74,490 in fiscal 2019 only for the Judiciary to make necessary programming changes. Although the bill may result in increased petitions for domestic violence protective orders and peace orders, it is not anticipated to materially impact the operations or finances of the District Court, which handles the majority of protective order and peace order petitions. It also does not materially impact the workload of the circuit courts. The enforcement of additional protective orders and peace orders can be handled using existing budgeted resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City; Montgomery County; City of College Park; Judiciary (Administrative Office of the Courts); State's Attorneys' Association; Office of the Public Defender; Department of State Police; Department of Legislative Services

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