

HOUSE BILL 640

D3

9lr1446
CF SB 555

By: **Delegates Atterbeary and Dumais**

Introduced and read first time: February 6, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Peace Orders – Workplace Violence**

3 FOR the purpose of making certain provisions of law relating to the filing, issuance, and
4 modification of certain peace orders and to the shielding of certain court records of
5 certain peace order proceedings apply to certain peace orders filed by certain
6 employers on the basis of certain acts committed against certain employees under
7 certain circumstances; providing certain immunity from certain liability to a certain
8 employer under certain circumstances; making certain conforming changes; defining
9 certain terms; providing for the application of a certain provision of this Act; and
10 generally relating to peace orders.

11 BY repealing and reenacting, with amendments,
12 Article – Courts and Judicial Proceedings
13 Section 3–1501, 3–1502, 3–1503, 3–1503.1, 3–1504, 3–1505, 3–1506, and 3–1510
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2018 Supplement)

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

18 **Article – Courts and Judicial Proceedings**

19 3–1501.

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

21 (b) “Commissioner” means a district court commissioner appointed in accordance
22 with Article IV, § 41G of the Maryland Constitution.

23 (c) “Court” means the District Court of Maryland.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(D) “EMPLOYEE” MEANS:**

2 **(1) AN INDIVIDUAL WHO IS EMPLOYED BY AN EMPLOYER; OR**

3 **(2) A VOLUNTEER OR AN INDEPENDENT CONTRACTOR WHO**
4 **PERFORMS SERVICES FOR AN EMPLOYER AT THE EMPLOYER’S WORKPLACE.**

5 **(E) (1) “EMPLOYER” MEANS A PERSON ENGAGED IN A BUSINESS, AN**
6 **INDUSTRY, A PROFESSION, A TRADE, OR ANY OTHER ENTERPRISE IN THE STATE.**

7 **(2) “EMPLOYER” INCLUDES A PERSON THAT ACTS DIRECTLY OR**
8 **INDIRECTLY IN THE INTEREST OF ANOTHER EMPLOYER WITH AN EMPLOYEE.**

9 **[(d)] (F) “Final peace order” means a peace order issued by a judge under §**
10 **3–1505 of this subtitle.**

11 **[(e)] (G) “Interim peace order” means an order that a commissioner issues under**
12 **this subtitle pending a hearing by a judge on a petition.**

13 **[(f)] (H) “Petitioner” means an individual who files a petition under § 3–1503 of**
14 **this subtitle.**

15 **[(g)] (I) “Residence” includes the yard, grounds, outbuildings, and common**
16 **areas surrounding the residence.**

17 **[(h)] (J) “Respondent” means an individual alleged in a petition to have**
18 **committed an act specified in § 3–1503(a) of this subtitle against a petitioner OR A**
19 **PETITIONER’S EMPLOYEE.**

20 **[(i)] (K) “Temporary peace order” means a peace order issued by a judge under**
21 **§ 3–1504 of this subtitle.**

22 **3–1502.**

23 **(a) By proceeding under this subtitle, a petitioner is not limited to or precluded**
24 **from pursuing any other legal remedy.**

25 **(b) This subtitle does not apply to:**

26 **(1) A petitioner OR A PETITIONER’S EMPLOYEE who is a person eligible**
27 **for relief, as defined in § 4–501 of the Family Law Article; or**

28 **(2) A respondent who is a child at the time of the alleged commission of an**
29 **act specified in § 3–1503(a) of this subtitle.**

1 3–1503.

2 (a) (1) A petitioner may seek relief under this subtitle by filing with the court,
3 or with a commissioner under the circumstances specified in § 3–1503.1(a) of this subtitle,
4 a petition that alleges the commission of any of the following acts against the petitioner,
5 **OR ANY OF THE FOLLOWING ACTS AGAINST THE PETITIONER’S EMPLOYEE AT THE**
6 **EMPLOYEE’S WORKPLACE**, by the respondent, if the act occurred within 30 days before
7 the filing of the petition:

8 (i) An act that causes serious bodily harm;

9 (ii) An act that places the petitioner **OR THE PETITIONER’S**
10 **EMPLOYEE** in fear of imminent serious bodily harm;

11 (iii) Assault in any degree;

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

14 (v) False imprisonment;

15 (vi) Harassment under § 3–803 of the Criminal Law Article;

16 (vii) Stalking under § 3–802 of the Criminal Law Article;

17 (viii) Trespass under Title 6, Subtitle 4 of the Criminal Law Article;

18 (ix) Malicious destruction of property under § 6–301 of the Criminal
19 Law Article;

20 (x) Misuse of telephone facilities and equipment under § 3–804 of
21 the Criminal Law Article;

22 (xi) Misuse of electronic communication or interactive computer
23 service under § 3–805 of the Criminal Law Article;

24 (xii) Revenge porn under § 3–809 of the Criminal Law Article; or

25 (xiii) Visual surveillance under § 3–901, § 3–902, or § 3–903 of the
26 Criminal Law Article.

27 (2) A petition may be filed under this subtitle if:

28 (i) The act described in paragraph (1) of this subsection is alleged to
29 have occurred in the State; or

1 (ii) The petitioner **OR THE PETITIONER'S EMPLOYEE** is a resident
2 of the State, regardless of whether the act described in paragraph (1) of this subsection is
3 alleged to have occurred in the State.

4 (b) (1) The petition shall:

5 (i) Be under oath and provide notice to the petitioner that an
6 individual who knowingly provides false information in the petition is guilty of a
7 misdemeanor and on conviction is subject to the penalties specified in subsection (d) of this
8 section;

9 (ii) Subject to the provisions of subsection (c) of this section, contain
10 the address of the petitioner **OR THE PETITIONER'S EMPLOYEE**; and

11 (iii) Include all information known to the petitioner of:

12 1. The nature and extent of the act specified in subsection (a)
13 of this section for which the relief is being sought, including information known to the
14 petitioner concerning previous harm or injury resulting from an act specified in subsection
15 (a) of this section by the respondent;

16 2. Each previous and pending action between the parties in
17 any court; and

18 3. The whereabouts of the respondent.

19 (c) If, in a proceeding under this subtitle, a petitioner **OR A PETITIONER'S**
20 **EMPLOYEE** alleges, and the commissioner or judge finds, that the disclosure of the address
21 of the petitioner **OR THE PETITIONER'S EMPLOYEE** would risk further harm to the
22 petitioner **OR THE PETITIONER'S EMPLOYEE**, that address may be stricken from the
23 petition and omitted from all other documents filed with the commissioner or filed with, or
24 transferred to, a court.

25 (d) An individual who knowingly provides false information in a petition filed
26 under this section is guilty of a misdemeanor and on conviction is subject to a fine not
27 exceeding \$1,000 or imprisonment not exceeding 90 days or both.

28 **(E) AN EMPLOYER SHALL BE IMMUNE FROM ANY CIVIL LIABILITY THAT MAY**
29 **RESULT FROM THE FAILURE OF THE EMPLOYER TO FILE A PETITION ON BEHALF OF**
30 **AN EMPLOYEE UNDER THE PROVISIONS OF THIS SUBTITLE.**

31 3-1503.1.

32 (a) A petition under this subtitle may be filed with a commissioner when the
33 Office of the District Court Clerk is not open for business.

1 (b) If a petition is filed with a commissioner and the commissioner finds that there
2 are reasonable grounds to believe that the respondent has committed, and is likely to
3 commit in the future, an act specified in § 3–1503(a) of this subtitle against the petitioner
4 **OR THE PETITIONER’S EMPLOYEE**, the commissioner may issue an interim peace order
5 to protect the petitioner **OR THE PETITIONER’S EMPLOYEE**.

6 (c) An interim peace order:

7 (1) Shall contain only the relief that is minimally necessary to protect the
8 petitioner **OR THE PETITIONER’S EMPLOYEE**; and

9 (2) May order the respondent to:

10 (i) Refrain from committing or threatening to commit an act
11 specified in § 3–1503(a) of this subtitle against the petitioner **OR THE PETITIONER’S**
12 **EMPLOYEE**;

13 (ii) Refrain from contacting, attempting to contact, or harassing the
14 petitioner **OR THE PETITIONER’S EMPLOYEE**;

15 (iii) Refrain from entering the residence of the petitioner **OR THE**
16 **PETITIONER’S EMPLOYEE**; and

17 (iv) Remain away from the place of employment, school, or temporary
18 residence of the petitioner **OR THE PETITIONER’S EMPLOYEE**.

19 (d) (1) (i) An interim peace order shall state the date, time, and location
20 for the temporary peace order hearing and a tentative date, time, and location for a final
21 peace order hearing.

22 (ii) Except as provided in subsection (g) of this section, or unless the
23 court continues the hearing for good cause, a temporary peace order hearing shall be held
24 on the first or second day on which a District Court judge is sitting after issuance of the
25 interim peace order.

26 (2) An interim peace order shall include in at least 10–point bold type:

27 (i) Notice to the respondent that:

28 1. The respondent must give the court written notice of each
29 change of address;

30 2. If the respondent fails to appear at the temporary peace
31 order hearing or any later hearing, the respondent may be served with any other orders or
32 notices in the case by first–class mail at the respondent’s last known address;

1 3. The date, time, and location of the final peace order
2 hearing is tentative only, and subject to change; and

3 4. If the respondent does not attend the temporary peace
4 order hearing, the respondent may call the Office of the Clerk of the District Court at the
5 number provided in the order to find out the actual date, time, and location of any final
6 peace order hearing;

7 (ii) A statement of all possible forms and duration of relief that a
8 temporary peace order or final peace order may contain;

9 (iii) Notice to the petitioner, **PETITIONER'S EMPLOYEE**, and
10 respondent that, at the hearing, a judge may issue a temporary peace order that grants any
11 or all of the relief requested in the petition or may deny the petition, whether or not the
12 respondent is in court;

13 (iv) A warning to the respondent that violation of an interim peace
14 order is a crime and that a law enforcement officer shall arrest the respondent, with or
15 without a warrant, and take the respondent into custody if the officer has probable cause
16 to believe that the respondent has violated any provision of the interim peace order; and

17 (v) The phone number of the Office of the District Court Clerk.

18 (e) Whenever a commissioner issues an interim peace order, the commissioner
19 shall:

20 (1) Immediately forward a copy of the petition and interim peace order to
21 the appropriate law enforcement agency for service on the respondent; and

22 (2) Before the hearing scheduled in the interim peace order, transfer the
23 case file and the return of service, if any, to the Office of the District Court Clerk.

24 (f) A law enforcement officer shall:

25 (1) Immediately on receipt of a petition and interim peace order, serve
26 them on the respondent named in the order; and

27 (2) Immediately after service, make a return of service to the
28 commissioner's office or, if the Office of the District Court Clerk is open for business, to the
29 clerk.

30 (g) (1) Except as otherwise provided in this subsection, an interim peace order
31 shall be effective until the earlier of:

32 (i) The temporary peace order hearing under § 3-1504 of this
33 subtitle; or

1 (ii) The end of the second business day the Office of the Clerk of the
2 District Court is open following the issuance of an interim peace order.

3 (2) If the court is closed on the day on which the interim peace order is due
4 to expire, the interim peace order shall be effective until the next day on which the court is
5 open, at which time the court shall hold a temporary peace order hearing.

6 (h) A decision of a commissioner to grant or deny relief under this section is not
7 binding on, and does not affect any power granted to or duty imposed on, a judge of a circuit
8 court or the District Court under any law, including any power to grant or deny a petition
9 for a temporary peace order or final peace order.

10 (i) An individual who knowingly provides false information in a petition filed
11 under this section is guilty of a misdemeanor and on conviction is subject to a fine not
12 exceeding \$1,000 or imprisonment not exceeding 90 days or both.

13 3-1504.

14 (a) (1) If after a hearing on a petition, whether ex parte or otherwise, a judge
15 finds that there are reasonable grounds to believe that the respondent has committed, and
16 is likely to commit in the future, an act specified in § 3-1503(a) of this subtitle against the
17 petitioner **OR THE PETITIONER'S EMPLOYEE**, the judge may issue a temporary peace
18 order to protect the petitioner **OR THE PETITIONER'S EMPLOYEE**.

19 (2) The temporary peace order may include any or all of the following relief:

20 (i) Order the respondent to refrain from committing or threatening
21 to commit an act specified in § 3-1503(a) of this subtitle against the petitioner **OR THE**
22 **PETITIONER'S EMPLOYEE**;

23 (ii) Order the respondent to refrain from contacting, attempting to
24 contact, or harassing the petitioner **OR THE PETITIONER'S EMPLOYEE**;

25 (iii) Order the respondent to refrain from entering the residence of
26 the petitioner **OR THE PETITIONER'S EMPLOYEE**; and

27 (iv) Order the respondent to remain away from the place of
28 employment, school, or temporary residence of the petitioner **OR THE PETITIONER'S**
29 **EMPLOYEE**.

30 (3) If the judge issues an order under this section, the order shall contain
31 only the relief that is minimally necessary to protect the petitioner **OR THE PETITIONER'S**
32 **EMPLOYEE**.

33 (b) (1) Except as provided in paragraph (2) of this subsection, a law
34 enforcement officer immediately shall serve the temporary peace order on the respondent.

1 (2) A respondent who has been served with an interim peace order under §
2 3–1503.1 of this subtitle shall be served with the temporary peace order in open court or, if
3 the respondent is not present at the temporary peace order hearing, by first–class mail at
4 the respondent’s last known address.

5 (c) (1) Except as otherwise provided in this subsection, the temporary peace
6 order shall be effective for not more than 7 days after service of the order.

7 (2) The judge may extend the temporary peace order as needed, but not to
8 exceed 30 days, to effectuate service of the order where necessary to provide protection or
9 for other good cause.

10 (3) If the court is closed on the day on which the temporary peace order is
11 due to expire, the temporary peace order shall be effective until the second day on which
12 the court is open, by which time the court shall hold a final peace order hearing.

13 (d) The judge may proceed with a final peace order hearing instead of a temporary
14 peace order hearing if:

15 (1) (i) The respondent appears at the hearing;

16 (ii) The respondent has been served with an interim peace order; or

17 (iii) The court otherwise has personal jurisdiction over the
18 respondent; and

19 (2) The petitioner **OR THE PETITIONER’S EMPLOYEE** and the respondent
20 expressly consent to waive the temporary peace order hearing.

21 3–1505.

22 (a) A respondent shall have an opportunity to be heard on the question of whether
23 the judge should issue a final peace order.

24 (b) (1) (i) The temporary peace order shall state the date and time of the
25 final peace order hearing.

26 (ii) Except as provided in § 3–1504(c) of this subtitle, or unless
27 continued for good cause, the final peace order hearing shall be held no later than 7 days
28 after the temporary peace order is served on the respondent.

29 (2) The temporary peace order shall include notice to the respondent:

30 (i) In at least 10–point bold type, that if the respondent fails to
31 appear at the final peace order hearing, the respondent may be served by first–class mail
32 at the respondent’s last known address with the final peace order and all other notices

1 concerning the final peace order;

2 (ii) Specifying all the possible forms of relief under subsection (d) of
3 this section that the final peace order may contain;

4 (iii) That the final peace order shall be effective for the period stated
5 in the order, not to exceed 6 months; and

6 (iv) In at least 10–point bold type, that the respondent must notify
7 the court in writing of any change of address.

8 (c) (1) If the respondent appears for the final peace order hearing, has been
9 served with an interim peace order or a temporary peace order, or the court otherwise has
10 personal jurisdiction over the respondent, the judge:

11 (i) May proceed with the final peace order hearing; and

12 (ii) If the judge finds by a preponderance of the evidence that the
13 respondent has committed, and is likely to commit in the future, an act specified in §
14 3–1503(a) of this subtitle against the petitioner **OR THE PETITIONER’S EMPLOYEE**, or if
15 the respondent consents to the entry of a peace order, the court may issue a final peace
16 order to protect the petitioner **OR THE PETITIONER’S EMPLOYEE**.

17 (2) A final peace order may be issued only to an individual who has filed a
18 petition under § 3–1503 of this subtitle.

19 (3) In cases where both parties file a petition under § 3–1503 of this
20 subtitle, the judge may issue mutual peace orders if the judge finds by a preponderance of
21 the evidence that each party has committed, and is likely to commit in the future, an act
22 specified in § 3–1503(a) of this subtitle against the other party.

23 (d) (1) The final peace order may include any or all of the following relief:

24 (i) Order the respondent to refrain from committing or threatening
25 to commit an act specified in § 3–1503(a) of this subtitle against the petitioner **OR THE**
26 **PETITIONER’S EMPLOYEE**;

27 (ii) Order the respondent to refrain from contacting, attempting to
28 contact, or harassing the petitioner **OR THE PETITIONER’S EMPLOYEE**;

29 (iii) Order the respondent to refrain from entering the residence of
30 the petitioner **OR THE PETITIONER’S EMPLOYEE**;

31 (iv) Order the respondent to remain away from the place of
32 employment, school, or temporary residence of the petitioner **OR THE PETITIONER’S**
33 **EMPLOYEE**;

1 (v) Direct the respondent [or], petitioner, **OR PETITIONER'S**
2 **EMPLOYEE** to participate in professionally supervised counseling or, if the parties are
3 amenable, mediation; and

4 (vi) Order either party to pay filing fees and costs of a proceeding
5 under this subtitle.

6 (2) If the judge issues an order under this section, the order shall contain
7 only the relief that is minimally necessary to protect the petitioner **OR THE PETITIONER'S**
8 **EMPLOYEE**.

9 (e) (1) A copy of the final peace order shall be served on the petitioner, **THE**
10 **PETITIONER'S EMPLOYEE**, the respondent, the appropriate law enforcement agency, and
11 any other person the court determines is appropriate, in open court or, if the person is not
12 present at the final peace order hearing, by first-class mail to the person's last known
13 address.

14 (2) (i) A copy of the final peace order served on the respondent in
15 accordance with paragraph (1) of this subsection constitutes actual notice to the respondent
16 of the contents of the final peace order.

17 (ii) Service is complete upon mailing.

18 (f) All relief granted in a final peace order shall be effective for the period stated
19 in the order, not to exceed 6 months.

20 3-1506.

21 (a) (1) A peace order may be modified or rescinded during the term of the peace
22 order after:

23 (i) Giving notice to the petitioner, **THE PETITIONER'S EMPLOYEE**,
24 and the respondent; and

25 (ii) A hearing.

26 (2) For good cause shown, a judge may extend the term of the peace order
27 for 6 months beyond the period specified in § 3-1505(f) of this subtitle, after:

28 (i) Giving notice to the petitioner, **THE PETITIONER'S EMPLOYEE**,
29 and the respondent; and

30 (ii) A hearing.

31 (3) (i) If, during the term of a final peace order, a petitioner files a

1 motion to extend the term of the order under paragraph (2) of this subsection, the court
2 shall hold a hearing on the motion within 30 days after the motion is filed.

3 (ii) If the hearing on the motion is scheduled after the original
4 expiration date of the final peace order, the court shall extend the order and keep the terms
5 of the order in full force and effect until the hearing on the motion.

6 (b) (1) If a District Court judge grants or denies relief under a petition filed
7 under this subtitle, a respondent or a petitioner may appeal to the circuit court for the
8 county where the District Court is located.

9 (2) An appeal taken under this subsection to the circuit court shall be heard
10 de novo in the circuit court.

11 (3) (i) If an appeal is filed under this subsection, the District Court
12 judgment shall remain in effect until superseded by a judgment of the circuit court.

13 (ii) Unless the circuit court orders otherwise, modification or
14 enforcement of the District Court order shall be by the District Court.

15 3-1510.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) (i) "Court record" means an official record of a court about a
18 proceeding that the clerk of a court or other court personnel keeps.

19 (ii) "Court record" includes:

20 1. An index, a docket entry, a petition, a memorandum, a
21 transcription of proceedings, an electronic recording, an order, and a judgment; and

22 2. Any electronic information about a proceeding on the Web
23 site maintained by the Maryland Judiciary.

24 (3) "Shield" means to remove information from public inspection in
25 accordance with this section.

26 (4) "Shielding" means:

27 (i) With respect to a record kept in a courthouse, removing the
28 record to a separate secure area to which persons who do not have a legitimate reason for
29 access are denied access; and

30 (ii) With respect to electronic information about a proceeding on the
31 Web site maintained by the Maryland Judiciary, completely removing all information
32 concerning the proceeding from the public Web site, including the names of the parties,

1 case numbers, and any reference to the proceeding or any reference to the removal of the
2 proceeding from the public Web site.

3 (5) "Victim services provider" means a nonprofit or governmental
4 organization that has been authorized by the Governor's Office of Crime Control and
5 Prevention to have online access to records of shielded peace orders in order to assist
6 victims of abuse.

7 (b) (1) Subject to subsection (c) of this section, if a petition filed under this
8 subtitle was denied or dismissed at the interim, temporary, or final peace order stage of a
9 proceeding under this subtitle, the petitioner, **THE PETITIONER'S EMPLOYEE**, or the
10 respondent may file a written request to shield all court records relating to the proceeding
11 in accordance with subsection (d) of this section.

12 (2) Subject to subsection (c) of this section, if the respondent consented to
13 the entry of a peace order under this subtitle, the petitioner, **THE PETITIONER'S**
14 **EMPLOYEE**, or the respondent may file a written request to shield all court records relating
15 to the proceeding in accordance with subsection (e) of this section.

16 (c) A request for shielding under this section may not be filed within 3 years after
17 the denial or dismissal of the petition or the consent to the entry of the peace order unless
18 the requesting party files with the request a general waiver and release of all the party's
19 tort claims related to the proceeding under this subtitle.

20 (d) (1) If a petition was denied or dismissed at the interim, temporary, or final
21 peace order stage of a proceeding under this subtitle, on the filing of a written request for
22 shielding under this section, the court shall schedule a hearing on the request.

23 (2) The court shall give notice of the hearing to the other party or the other
24 party's counsel of record.

25 (3) Except as provided in paragraphs (4) and (5) of this subsection, after
26 the hearing, the court shall order the shielding of all court records relating to the proceeding
27 if the court finds:

28 (i) That the petition was denied or dismissed at the interim,
29 temporary, or final peace order stage of the proceeding;

30 (ii) That a final peace order or protective order has not been
31 previously issued against the respondent in a proceeding between the petitioner **OR THE**
32 **PETITIONER'S EMPLOYEE** and the respondent;

33 (iii) That the respondent has not been found guilty of a crime arising
34 from an act described in § 3-1503(a) of this subtitle against the petitioner **OR THE**
35 **PETITIONER'S EMPLOYEE**; and

1 (iv) That none of the following are pending at the time of the hearing:

2 1. An interim or temporary peace order or protective order
3 issued against the respondent in a proceeding between the petitioner **OR THE**
4 **PETITIONER'S EMPLOYEE** and the respondent; or

5 2. A criminal charge against the respondent arising from an
6 alleged act described in § 3-1503(a) of this subtitle against the petitioner **OR THE**
7 **PETITIONER'S EMPLOYEE**.

8 (4) (i) On its own motion or on the objection of the other party, the court
9 may, for good cause, deny the shielding.

10 (ii) In determining whether there is good cause under subparagraph
11 (i) of this paragraph, the court shall balance the privacy of the petitioner, **THE**
12 **PETITIONER'S EMPLOYEE**, or the respondent and potential danger of adverse
13 consequences to the petitioner, **THE PETITIONER'S EMPLOYEE**, or the respondent against
14 the potential risk of future harm and danger to the petitioner **OR THE PETITIONER'S**
15 **EMPLOYEE** and the community.

16 (5) Information about the proceeding may not be removed from the
17 Domestic Violence Central Repository.

18 (e) (1) (i) If the respondent consented to the entry of a peace order under
19 this subtitle, the petitioner, **THE PETITIONER'S EMPLOYEE**, or the respondent may file a
20 written request for shielding at any time after the peace order expires.

21 (ii) On the filing of a request for shielding under this paragraph, the
22 court shall schedule a hearing on the request.

23 (iii) The court shall give notice of the hearing to the other party or
24 the other party's counsel of record.

25 (iv) Except as provided in subparagraph (vi) of this paragraph and
26 subject to subparagraph (v) of this paragraph, after the hearing, the court may order the
27 shielding of all court records relating to the proceeding if the court finds:

28 1. For cases in which the respondent requests shielding, that
29 the petitioner **OR THE PETITIONER'S EMPLOYEE** consents to the shielding;

30 2. That the respondent did not violate the peace order during
31 its term;

32 3. That a final peace order or protective order has not been
33 previously issued against the respondent in a proceeding between the petitioner **OR THE**
34 **PETITIONER'S EMPLOYEE** and the respondent;

1 4. That the respondent has not been found guilty of a crime
2 arising from an act described in § 3–1503(a) of this subtitle against the petitioner **OR THE**
3 **PETITIONER’S EMPLOYEE**; and

4 5. That none of the following are pending at the time of the
5 hearing:

6 A. An interim or temporary peace order or protective order
7 issued against the respondent; or

8 B. A criminal charge against the respondent arising from an
9 alleged act described in § 3–1503(a) of this subtitle.

10 (v) In determining whether court records should be shielded under
11 this paragraph, the court shall balance the privacy of the petitioner, **THE PETITIONER’S**
12 **EMPLOYEE**, or the respondent and potential danger of adverse consequences to the
13 petitioner, **THE PETITIONER’S EMPLOYEE**, or the respondent against the potential risk of
14 future harm and danger to the petitioner **OR THE PETITIONER’S EMPLOYEE** and the
15 community.

16 (vi) Information about the proceeding may not be removed from the
17 Domestic Violence Central Repository.

18 (2) (i) If the respondent consented to the entry of a peace order under
19 this subtitle but the petitioner **OR THE PETITIONER’S EMPLOYEE** did not consent to
20 shielding at the hearing under paragraph (1) of this subsection, the respondent may refile
21 a written request for shielding after 1 year from the date of the hearing under paragraph
22 (1) of this subsection.

23 (ii) On the filing of a request for shielding under this paragraph, the
24 court shall schedule a hearing on the request.

25 (iii) The court shall give notice of the hearing to the other party or
26 the other party’s counsel of record.

27 (iv) Except as provided in subparagraph (vi) of this paragraph and
28 subject to subparagraph (v) of this paragraph, after the hearing, the court may order the
29 shielding of all court records relating to the proceeding if the court finds:

30 1. A. That the petitioner **OR THE PETITIONER’S**
31 **EMPLOYEE** consents to the shielding; or

32 B. That the petitioner **OR THE PETITIONER’S EMPLOYEE**
33 does not consent to the shielding, but that it is unlikely that the respondent will commit an
34 act specified in § 3–1503(a) of this subtitle against the petitioner **OR THE PETITIONER’S**

1 **EMPLOYEE** in the future;

2 2. That the respondent did not violate the peace order during
3 its term;

4 3. That a final peace order or protective order has not been
5 previously issued against the respondent in a proceeding between the petitioner **OR THE**
6 **PETITIONER'S EMPLOYEE** and the respondent;

7 4. That the respondent has not been found guilty of a crime
8 arising from an act described in § 3-1503(a) of this subtitle against the petitioner **OR THE**
9 **PETITIONER'S EMPLOYEE**; and

10 5. That none of the following are pending at the time of the
11 hearing:

12 A. An interim or temporary peace order or protective order
13 issued against the respondent; or

14 B. A criminal charge against the respondent arising from an
15 alleged act described in § 3-1503(a) of this subtitle.

16 (v) In determining whether court records should be shielded under
17 this paragraph, the court shall balance the privacy of the petitioner, **THE PETITIONER'S**
18 **EMPLOYEE**, or the respondent and potential danger of adverse consequences to the
19 petitioner, **THE PETITIONER'S EMPLOYEE**, or the respondent against the potential risk of
20 future harm and danger to the petitioner **OR THE PETITIONER'S EMPLOYEE** and the
21 community.

22 (vi) Information about the proceeding may not be removed from the
23 Domestic Violence Central Repository.

24 (f) (1) This section does not preclude the following persons from accessing a
25 shielded record for a legitimate reason:

26 (i) A law enforcement officer;

27 (ii) An attorney who represents or has represented the petitioner,
28 **THE PETITIONER'S EMPLOYEE**, or the respondent in a proceeding;

29 (iii) A State's Attorney;

30 (iv) An employee of a local department of social services; or

31 (v) A victim services provider.

1 (2) (i) A person not listed in paragraph (1) of this subsection may
2 subpoena, or file a motion for access to, a record shielded under this section.

3 (ii) If the court finds that the person has a legitimate reason for
4 access, the court may grant the person access to the shielded record under the terms and
5 conditions that the court determines.

6 (iii) In ruling on a motion under this paragraph, the court shall
7 balance the person's need for access to the record with the petitioner's, **THE PETITIONER'S**
8 **EMPLOYEE'S**, or the respondent's right to privacy and the potential harm of unwarranted
9 adverse consequences to the petitioner, **THE PETITIONER'S EMPLOYEE**, or the respondent
10 that the disclosure may create.

11 (g) Within 60 days after entry of an order for shielding under this section, each
12 custodian of court records that are subject to the order of shielding shall advise in writing
13 the court and the respondent of compliance with the order.

14 (h) The Governor's Office of Crime Control and Prevention, in consultation with
15 the Maryland Judiciary, may adopt regulations governing online access to shielded records
16 by a victim services provider.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2019.