

# SENATE BILL 209

D1, D4

9lr0462  
CF HB 122

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By: **Senators Zirkin, Hester, Lee, Ready, Smith, Waldstreicher, Washington, and West**

Introduced and read first time: January 24, 2019

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Protective Orders – Relief Eligibility – Rape and Sexual Offenses**

3 FOR the purpose of removing rape and certain sexual offenses from the list of offenses  
4 alleged to have been committed by a certain respondent against a certain victim for  
5 which a peace order request or a peace order petition may be filed under certain  
6 circumstances; altering the definition of “person eligible for relief” for purposes of  
7 certain provisions of law relating to domestic violence protective orders to include an  
8 individual who alleges the commission of certain acts against the individual by a  
9 certain respondent; and generally relating to peace orders and protective orders.

10 BY repealing and reenacting, with amendments,  
11 Article – Courts and Judicial Proceedings  
12 Section 3–8A–19.1 and 3–1503(a)  
13 Annotated Code of Maryland  
14 (2013 Replacement Volume and 2018 Supplement)

15 BY repealing and reenacting, without amendments,  
16 Article – Family Law  
17 Section 4–501(a)  
18 Annotated Code of Maryland  
19 (2012 Replacement Volume and 2018 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article – Family Law  
22 Section 4–501(m)  
23 Annotated Code of Maryland  
24 (2012 Replacement Volume and 2018 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Courts and Judicial Proceedings**

2 3–8A–19.1.

3 (a) In this section and in §§ 3–8A–19.2, 3–8A–19.3, and 3–8A–19.4 of this subtitle,  
4 “victim” means an individual against whom an act described in subsection (b) of this section  
5 is committed or alleged to have been committed.

6 (b) (1) Except as provided in paragraph (2) of this subsection, after an inquiry  
7 conducted in accordance with § 3–8A–10 of this subtitle, an intake officer may file with the  
8 court a peace order request that alleges the commission of any of the following acts against  
9 a victim by the respondent, if the act occurred within 30 days before the filing of the  
10 complaint under § 3–8A–10 of this subtitle:

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

12 (ii) An act that places the victim in fear of imminent serious bodily  
13 harm;

14 (iii) Assault in any degree;

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

17 (v)] False imprisonment;

18 [(vi)] (v) Harassment under § 3–803 of the Criminal Law Article;

19 [(vii)] (vi) Stalking under § 3–802 of the Criminal Law Article;

20 [(viii)] (vii) Trespass under Title 6, Subtitle 4 of the Criminal Law  
21 Article;

22 [(ix)] (viii) Malicious destruction of property under § 6–301 of the  
23 Criminal Law Article;

24 [(x)] (ix) Misuse of telephone facilities and equipment under  
25 § 3–804 of the Criminal Law Article;

26 [(xi)] (x) Misuse of electronic communication or interactive  
27 computer service under § 3–805 of the Criminal Law Article;

28 [(xii)] (xi) Revenge porn under § 3–809 of the Criminal Law Article;

29 or

1                    [(xiii)] **(XII)** Visual surveillance under § 3–901, § 3–902, or § 3–903 of  
2 the Criminal Law Article.

3                    (2) After a review conducted in accordance with § 3–8A–10(c)(4)(ii) of this  
4 subtitle, the State’s Attorney may file with the court a peace order request that meets the  
5 requirements of paragraph (1) of this subsection.

6 3–1503.

7                    (a) (1) A petitioner may seek relief under this subtitle by filing with the court,  
8 or with a commissioner under the circumstances specified in § 3–1503.1(a) of this subtitle,  
9 a petition that alleges the commission of any of the following acts against the petitioner by  
10 the respondent, if the act occurred within 30 days before the filing of the petition:

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

12                    (ii) An act that places the petitioner in fear of imminent serious  
13 bodily harm;

14                    (iii) Assault in any degree;

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

17                    (v)] False imprisonment;

18                    [(vi)] **(V)** Harassment under § 3–803 of the Criminal Law Article;

19                    [(vii)] **(VI)** Stalking under § 3–802 of the Criminal Law Article;

20                    [(viii)] **(VII)** Trespass under Title 6, Subtitle 4 of the Criminal Law  
21 Article;

22                    [(ix)] **(VIII)** Malicious destruction of property under § 6–301 of the  
23 Criminal Law Article;

24                    [(x)] **(IX)** Misuse of telephone facilities and equipment under  
25 § 3–804 of the Criminal Law Article;

26                    [(xi)] **(X)** Misuse of electronic communication or interactive  
27 computer service under § 3–805 of the Criminal Law Article;

28                    [(xii)] **(XI)** Revenge porn under § 3–809 of the Criminal Law Article;  
29 or

1 [(xiii)] **(XII)** Visual surveillance under § 3–901, § 3–902, or § 3–903 of  
2 the Criminal Law Article.

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

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

6 (ii) The petitioner is a resident of the State, regardless of whether  
7 the act described in paragraph (1) of this subsection is alleged to have occurred in the State.

### 8 **Article – Family Law**

9 4–501.

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

11 (m) “Person eligible for relief” includes:

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

13 (2) a cohabitant of the respondent;

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

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

18 (5) a vulnerable adult;

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

20 (7) an individual who has had a sexual relationship with the respondent  
21 within 1 year before the filing of the petition; **OR**

22 **(8) AN INDIVIDUAL WHO ALLEGES THE COMMISSION OF ANY OF THE**  
23 **FOLLOWING ACTS AGAINST THE INDIVIDUAL BY THE RESPONDENT:**

24 **(I) RAPE OR A SEXUAL OFFENSE UNDER § 3–303, § 3–304, §**  
25 **3–307, OR § 3–308 OF THE CRIMINAL LAW ARTICLE; OR**

26 **(II) ATTEMPTED RAPE OR SEXUAL OFFENSE IN ANY DEGREE.**

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