

# HOUSE BILL 126

D3  
HB 640/19 – JUD

0lr0610  
CF SB 846

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By: ~~Delegate Atterbeary~~ Delegates Atterbeary, Arikan, and Grammer

Introduced and read first time: January 15, 2020

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 11, 2020

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## CHAPTER \_\_\_\_\_

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; requiring an employer to notify an employee before an  
8 ~~employee~~ employer files a certain petition; providing certain immunity from certain  
9 liability to a certain employer under certain circumstances; prohibiting an employer  
10 from retaliating against an employee under certain circumstances; making certain  
11 conforming changes; defining certain terms; providing for the application of a certain  
12 provision of this Act; and generally relating to peace orders.

13 BY repealing and reenacting, with amendments,  
14 Article – Courts and Judicial Proceedings  
15 Section 3–1501, 3–1502, 3–1503, 3–1503.1, 3–1504, 3–1505, 3–1506, and 3–1510  
16 Annotated Code of Maryland  
17 (2013 Replacement Volume and 2019 Supplement)

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

20 **Article – Courts and Judicial Proceedings**

21 3–1501.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

2 (b) “Commissioner” means a District Court commissioner appointed in  
3 accordance with Article IV, § 41G of the Maryland Constitution.

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

5 **(D) “EMPLOYEE” MEANS:**

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

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

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

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

13 **[(d)] (F) “Final peace order” means a peace order issued by a judge under §**  
14 **3–1505 of this subtitle.**

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

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

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

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

24 **[(i)] (K) “Temporary peace order” means a peace order issued by a judge under**  
25 **§ 3–1504 of this subtitle.**

26 3–1502.

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

29 (b) This subtitle does not apply to:

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

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

5 3-1503.

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

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

13 (ii) An act that places the petitioner **OR THE PETITIONER'S**  
14 **EMPLOYEE** in fear of imminent serious bodily harm;

15 (iii) Assault in any degree;

16 (iv) Rape or sexual offense under § 3-303, § 3-304, § 3-307, or §  
17 3-308 of the Criminal Law Article or attempted rape or sexual offense in any degree;

18 (v) False imprisonment;

19 (vi) Harassment under § 3-803 of the Criminal Law Article;

20 (vii) Stalking under § 3-802 of the Criminal Law Article;

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

22 (ix) Malicious destruction of property under § 6-301 of the Criminal  
23 Law Article;

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

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

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

1 (xiii) Visual surveillance under § 3–901, § 3–902, or § 3–903 of the  
2 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 **OR THE PETITIONER’S EMPLOYEE** is a resident  
7 of the State, regardless of whether the act described in paragraph (1) of this subsection is  
8 alleged to have occurred in the State.

9 (b) (1) The petition shall:

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

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

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

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

21 2. Each previous and pending action between the parties in  
22 any court; and

23 3. The whereabouts of the respondent.

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

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

1           **(E) (1) AN EMPLOYER SHALL NOTIFY AN EMPLOYEE BEFORE AN**  
2 **EMPLOYER FILES A PETITION UNDER THIS SUBTITLE.**

3           **(2) AN EMPLOYER SHALL BE IMMUNE FROM ANY CIVIL LIABILITY**  
4 **THAT MAY RESULT FROM THE FAILURE OF THE EMPLOYER TO FILE A PETITION ON**  
5 **BEHALF OF AN EMPLOYEE UNDER THE PROVISIONS OF THIS SUBTITLE.**

6           **(3) AN EMPLOYER MAY NOT RETALIATE AGAINST AN EMPLOYEE WHO**  
7 **DOES NOT PROVIDE INFORMATION FOR OR TESTIFY AT A PROCEEDING UNDER THIS**  
8 **SUBTITLE.**

9 3-1503.1.

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

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

17           (c) An interim peace order:

18                   (1) Shall contain only the relief that is minimally necessary to protect the  
19 petitioner **OR THE PETITIONER'S EMPLOYEE**; and

20                   (2) May order the respondent to:

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

24                           (ii) Refrain from contacting, attempting to contact, or harassing the  
25 petitioner **OR THE PETITIONER'S EMPLOYEE**;

26                           (iii) Refrain from entering the residence of the petitioner **OR THE**  
27 **PETITIONER'S EMPLOYEE**; and

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

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

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

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

6                   (i) Notice to the respondent that:

7                               1. The respondent must give the court written notice of each  
8 change of address;

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

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

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

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

20                   (iii) Notice to the petitioner, **PETITIONER’S EMPLOYEE**, and  
21 respondent that, at the hearing, a judge may issue a temporary peace order that grants any  
22 or all of the relief requested in the petition or may deny the petition, whether or not the  
23 respondent is in court;

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

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

29                   (e) Whenever a commissioner issues an interim peace order, the commissioner  
30 shall:

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

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

1 (f) A law enforcement officer shall:

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

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

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

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

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

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

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

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

23 3-1504.

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

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

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

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

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

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

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

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

13 (2) A respondent who has been served with an interim peace order under §  
14 3–1503.1 of this subtitle shall be served with the temporary peace order in open court or, if  
15 the respondent is not present at the temporary peace order hearing, by first-class mail at  
16 the respondent's last known address.

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

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

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

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

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

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

29 (iii) The court otherwise has personal jurisdiction over the  
30 respondent; and

31 (2) The petitioner **OR THE PETITIONER'S EMPLOYEE** and the respondent  
32 expressly consent to waive the temporary peace order hearing.



1 3–1505.

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

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

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

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

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

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

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

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

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

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

24 (ii) If the judge finds by a preponderance of the evidence that the  
25 respondent has committed, and is likely to commit in the future, an act specified in §  
26 3–1503(a) of this subtitle against the petitioner **OR THE PETITIONER’S EMPLOYEE**, or if  
27 the respondent consents to the entry of a peace order, the court may issue a final peace  
28 order to protect the petitioner **OR THE PETITIONER’S EMPLOYEE**.

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

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

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

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

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

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

9 (iv) Order the respondent to remain away from the place of  
10 employment, school, or temporary residence of the petitioner **OR THE PETITIONER'S**  
11 **EMPLOYEE**;

12 (v) Direct the respondent ~~for~~, petitioner, ~~OR PETITIONER'S~~  
13 ~~EMPLOYEE~~ to participate in professionally supervised counseling or, if the parties are  
14 amenable, mediation; and

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

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

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

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

28 (ii) Service is complete upon mailing.

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

31 3-1506.

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

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

5 (ii) A hearing.

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

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

10 (ii) A hearing.

11 (3) (i) If, during the term of a final peace order, a petitioner files a  
12 motion to extend the term of the order under paragraph (2) of this subsection, the court  
13 shall hold a hearing on the motion within 30 days after the motion is filed.

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

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

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

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

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

26 3-1510.

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

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

30 (ii) "Court record" includes:

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

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

5                   (3)    “Shield” means to remove information from public inspection in  
6 accordance with this section.

7                   (4)    “Shielding” means:

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

11                   (ii)    With respect to electronic information about a proceeding on the  
12 Web site maintained by the Maryland Judiciary, completely removing all information  
13 concerning the proceeding from the public Web site, including the names of the parties,  
14 case numbers, and any reference to the proceeding or any reference to the removal of the  
15 proceeding from the public Web site.

16                   (5)    “Victim services provider” means a nonprofit or governmental  
17 organization that has been authorized by the Governor’s Office of Crime Control and  
18 Prevention to have online access to records of shielded peace orders in order to assist  
19 victims of abuse.

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

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

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

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

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

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

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

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

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

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

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

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

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

23          (ii)    In determining whether there is good cause under subparagraph  
24 (i) of this paragraph, the court shall balance the privacy of the petitioner, **THE**  
25 **PETITIONER'S EMPLOYEE**, or the respondent and potential danger of adverse  
26 consequences to the petitioner, **THE PETITIONER'S EMPLOYEE**, or the respondent against  
27 the potential risk of future harm and danger to the petitioner **OR THE PETITIONER'S**  
28 **EMPLOYEE** and the community.

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

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

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

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

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

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

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

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

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

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

20 A. An interim or temporary peace order or protective order  
21 issued against the respondent; or

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

24 (v) In determining whether court records should be shielded under  
25 this paragraph, the court shall balance the privacy of the petitioner, **THE PETITIONER'S**  
26 **EMPLOYEE**, or the respondent and potential danger of adverse consequences to the  
27 petitioner, **THE PETITIONER'S EMPLOYEE**, or the respondent against the potential risk of  
28 future harm and danger to the petitioner **OR THE PETITIONER'S EMPLOYEE** and the  
29 community.

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

32 (2) (i) If the respondent consented to the entry of a peace order under  
33 this subtitle but the petitioner **OR THE PETITIONER'S EMPLOYEE** did not consent to  
34 shielding at the hearing under paragraph (1) of this subsection, the respondent may refile

1 a written request for shielding after 1 year from the date of the hearing under paragraph  
2 (1) of this subsection.

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

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

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

10 1. A. That the petitioner **OR THE PETITIONER'S**  
11 **EMPLOYEE** consents to the shielding; or

12 B. That the petitioner **OR THE PETITIONER'S EMPLOYEE**  
13 does not consent to the shielding, but that it is unlikely that the respondent will commit an  
14 act specified in § 3-1503(a) of this subtitle against the petitioner **OR THE PETITIONER'S**  
15 **EMPLOYEE** in the future;

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

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

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

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

26 A. An interim or temporary peace order or protective order  
27 issued against the respondent; or

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

30 (v) In determining whether court records should be shielded under  
31 this paragraph, the court shall balance the privacy of the petitioner, **THE PETITIONER'S**  
32 **EMPLOYEE**, or the respondent and potential danger of adverse consequences to the  
33 petitioner, **THE PETITIONER'S EMPLOYEE**, or the respondent against the potential risk of

1 future harm and danger to the petitioner **OR THE PETITIONER'S EMPLOYEE** and the  
2 community.

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

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

7 (i) A law enforcement officer;

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

10 (iii) A State's Attorney;

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

12 (v) A victim services provider.

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

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

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

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

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2020.