

HOUSE BILL 817

E1, D4, E2

2lr2324

By: **Delegate Shetty**

Introduced and read first time: February 3, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Violation of a Protective Order – Merger Prohibition and**
3 **Separate Sentence Authorization**

4 FOR the purpose of prohibiting a conviction for violation of a certain protective order from
5 merging with a conviction for a certain other crime; authorizing a sentence for
6 violation of a certain protective order to be imposed separate from and consecutive
7 to or concurrent with a certain other sentence; and generally relating to violation of
8 a protective order.

9 BY repealing and reenacting, with amendments,
10 Article – Family Law
11 Section 4–509
12 Annotated Code of Maryland
13 (2019 Replacement Volume and 2021 Supplement)

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

16 **Article – Family Law**

17 4–509.

18 (a) A person [who fails] **MAY NOT FAIL** to comply with the relief granted in an
19 interim protective order under § 4–504.1(c)(1), (2), (3), (4)(i), (7), or (8) of this subtitle, a
20 temporary protective order under § 4–505(a)(2)(i), (ii), (iii), (iv), (v), or (viii) of this subtitle,
21 or a final protective order under § 4–506(d)(1), (2), (3), (4), or (5), or (f) of this subtitle.

22 (B) **A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION** is guilty of
23 a misdemeanor and on conviction is subject, for each offense, to:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) for a first offense, a fine not exceeding \$1,000 or imprisonment not
2 exceeding 90 days or both; and

3 (2) for a second or subsequent offense, a fine not exceeding \$2,500 or
4 imprisonment not exceeding 1 year or both.

5 **(C) NOTWITHSTANDING ANY OTHER LAW, A CONVICTION UNDER THIS**
6 **SECTION MAY NOT MERGE WITH A CONVICTION FOR ANY OTHER CRIME BASED ON**
7 **THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.**

8 **(D) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE IMPOSED**
9 **SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR**
10 **ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.**

11 **[(b)] (E)** For the purpose of second or subsequent offender penalties provided
12 under subsection **[(a)(2)] (B)(2)** of this section, a prior conviction under § 3-1508 of the
13 Courts Article shall be considered a conviction under this section.

14 **[(c)] (F)** An officer shall arrest with or without a warrant and take into custody
15 a person who the officer has probable cause to believe is in violation of an interim,
16 temporary, or final protective order in effect at the time of the violation.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2022.