

HOUSE BILL 1178

D4
HB 1352/20 – JUD

2lr2145

By: **Delegate McComas**
Introduced and read first time: February 11, 2022
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Peace Orders and Protective Orders – Coercive Control**

3 FOR the purpose of authorizing a certain person to petition for a peace order or protective
4 order against another person whom the petitioner alleges has engaged in certain
5 behavior toward the petitioner that is controlling or coercive; and generally relating
6 to peace orders and protective orders and coercive control.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 3–1501 and 3–1503
10 Annotated Code of Maryland
11 (2020 Replacement Volume and 2021 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Family Law
14 Section 4–501(b)
15 Annotated Code of Maryland
16 (2019 Replacement Volume and 2021 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article – Family Law
19 Section 4–504
20 Annotated Code of Maryland
21 (2019 Replacement Volume and 2021 Supplement)

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

24 **Article – Courts and Judicial Proceedings**

25 3–1501.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

2 (b) **“COERCIVE CONTROL” MEANS REPEATED OR CONTINUOUS BEHAVIOR**
3 **TOWARD AN ADULT INDIVIDUAL THAT:**

4 (1) **IS CONTROLLING OR COERCIVE;**

5 (2) **HAS A SERIOUS EFFECT ON THE OTHER INDIVIDUAL; AND**

6 (3) **THE INDIVIDUAL WHO ENGAGES IN THE BEHAVIOR KNOWS OR**
7 **REASONABLY SHOULD KNOW WILL HAVE A SERIOUS EFFECT ON THE OTHER**
8 **INDIVIDUAL.**

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

11 [(c)] (D) “Court” means the District Court of Maryland.

12 [(d)] (E) “Employee” means:

13 (1) An individual who is employed by an employer; or

14 (2) A volunteer or an independent contractor who performs services for an
15 employer at the employer’s workplace.

16 [(e)] (F) (1) “Employer” means a person engaged in a business, an industry,
17 a profession, a trade, or any other enterprise in the State.

18 (2) “Employer” includes a person that acts directly or indirectly in the
19 interest of another employer with an employee.

20 [(f)] (G) “Final peace order” means a peace order issued by a judge under §
21 3–1505 of this subtitle.

22 [(g)] (H) “Interim peace order” means an order that a commissioner issues under
23 this subtitle pending a hearing by a judge on a petition.

24 [(h)] (I) “Petitioner” means an individual who files a petition under § 3–1503 of
25 this subtitle.

26 [(i)] (J) “Residence” includes the yard, grounds, outbuildings, and common
27 areas surrounding the residence.

28 [(j)] (K) “Respondent” means an individual alleged in a petition to have

1 committed an act specified in § 3–1503(a) of this subtitle against a petitioner or a
2 petitioner’s employee.

3 (L) “SERIOUS EFFECT” MEANS:

4 (1) FEAR, ON AT LEAST TWO OCCASIONS, THAT VIOLENCE WILL BE
5 USED AGAINST THE INDIVIDUAL; OR

6 (2) ALARM OR DISTRESS THAT HAS A SUBSTANTIAL ADVERSE EFFECT
7 ON THE INDIVIDUAL’S USUAL DAY–TO–DAY ACTIVITIES.

8 [(k)] (M) “Temporary peace order” means a peace order issued by a judge under
9 § 3–1504 of this subtitle.

10 3–1503.

11 (a) (1) A petitioner may seek relief under this subtitle by filing with the court,
12 or with a commissioner under the circumstances specified in § 3–1503.1(a) of this subtitle,
13 a petition that alleges the commission of any of the following acts against the petitioner, or
14 any of the following acts against the petitioner’s employee at the employee’s workplace, by
15 the respondent, if the act occurred within 30 days before the filing of the petition:

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

17 (ii) An act that places the petitioner or the petitioner’s employee in
18 fear of imminent serious bodily harm;

19 (iii) Assault in any degree;

20 (iv) False imprisonment;

21 (v) Harassment under § 3–803 of the Criminal Law Article;

22 (vi) Stalking under § 3–802 of the Criminal Law Article;

23 (vii) Trespass under Title 6, Subtitle 4 of the Criminal Law Article;

24 (viii) Malicious destruction of property under § 6–301 of the Criminal
25 Law Article;

26 (ix) Misuse of telephone facilities and equipment under § 3–804 of
27 the Criminal Law Article;

28 (x) Misuse of electronic communication or interactive computer
29 service under § 3–805 of the Criminal Law Article;

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

2 (xii) Visual surveillance under § 3–901, § 3–902, or § 3–903 of the
3 Criminal Law Article; OR

4 (XIV) COERCIVE CONTROL.

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

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

8 (ii) The petitioner or the petitioner's employee is a resident of the
9 State, regardless of whether the act described in paragraph (1) of this subsection is alleged
10 to have occurred in the State.

11 (b) (1) The petition shall:

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

16 (ii) Subject to the provisions of subsection (c) of this section, contain
17 the address of the petitioner or the petitioner's employee; and

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

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

23 2. Each previous and pending action between the parties in
24 any court; and

25 3. The whereabouts of the respondent.

26 (c) If, in a proceeding under this subtitle, a petitioner or a petitioner's employee
27 alleges, and the commissioner or judge finds, that the disclosure of the address of the
28 petitioner or the petitioner's employee would risk further harm to the petitioner or the
29 petitioner's employee, that address may be stricken from the petition and omitted from all
30 other documents filed with the commissioner or filed with, or transferred to, a court.

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

1 (e) (1) An employer shall notify an employee before an employer files a petition
2 under this subtitle.

3 (2) An employer shall be immune from any civil liability that may result
4 from the failure of the employer to file a petition on behalf of an employee under the
5 provisions of this subtitle.

6 (3) An employer may not retaliate against an employee who does not
7 provide information for or testify at a proceeding under this subtitle.

8 Article – Family Law

9 4–501.

10 (b) (1) “Abuse” means any of the following acts:

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

12 (ii) an act that places a person eligible for relief in fear of imminent
13 serious bodily harm;

14 (iii) assault in any degree;

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

17 (v) false imprisonment;

18 (vi) stalking under § 3–802 of the Criminal Law Article; [or]

19 (vii) revenge porn under § 3–809 of the Criminal Law Article; **OR**

20 **(VIII) IF THE PERSON FOR WHOM RELIEF IS SOUGHT IS AN ADULT,**
21 **COERCIVE CONTROL, AS DEFINED IN § 3–1501 OF THE COURTS ARTICLE.**

22 (2) (i) If the person for whom relief is sought is a child, “abuse” may
23 also include abuse of a child, as defined in Title 5, Subtitle 7 of this article.

24 (ii) Nothing in this subtitle shall be construed to prohibit reasonable
25 punishment, including reasonable corporal punishment, in light of the age and condition of
26 the child, from being performed by a parent or stepparent of the child.

27 (3) If the person for whom relief is sought is a vulnerable adult, “abuse”
28 may also include abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this article.

29 4–504.

1 (a) (1) A petitioner may seek relief from abuse by filing with a court, or with a
2 commissioner under the circumstances specified in § 4–504.1(a) of this subtitle, a petition
3 that alleges abuse of any person eligible for relief by the respondent.

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

5 (i) the abuse is alleged to have occurred in the State; or

6 (ii) the person eligible for relief is a resident of the State, regardless
7 of whether the abuse is alleged to have occurred in the State.

8 (b) (1) The petition shall:

9 (i) be under oath; and

10 (ii) include any information known to the petitioner of:

11 1. the nature and extent of the abuse for which the relief is
12 being sought, including information known to the petitioner concerning previous injury
13 resulting from abuse by the respondent;

14 2. each previous action between the parties in any court;

15 3. each pending action between the parties in any court;

16 4. the whereabouts of the respondent, if known;

17 5. if financial relief is requested, information known to the
18 petitioner regarding the financial resources of the respondent; and

19 6. in a case of alleged child abuse or alleged abuse of a
20 vulnerable adult, the whereabouts of the child or vulnerable adult and any other
21 information relating to the abuse of the child or vulnerable adult.

22 (2) If the petition states that disclosure of the address of a person eligible
23 for relief would risk further abuse of a person eligible for relief, or reveal the confidential
24 address of a shelter for domestic violence victims, that address may be omitted from all
25 documents filed with a commissioner or filed with, or transferred to, a court. If disclosure
26 is necessary to determine jurisdiction or consider any venue issue, it shall be made orally
27 and in camera and may not be disclosed to the respondent.

28 (c) The petitioner may not be required to pay a filing fee or costs for the issuance
29 or service of:

30 (1) an interim protective order;

1 (2) a temporary protective order;

2 (3) a final protective order; or

3 (4) a witness subpoena.

4 (d) (1) If a petitioner has requested notification of the service of a protective
5 order, the Department of Public Safety and Correctional Services shall:

6 (i) notify the petitioner of the service on the respondent of an
7 interim or a temporary protective order within one hour after a law enforcement officer
8 electronically notifies the Department of Public Safety and Correctional Services of the
9 service; and

10 (ii) notify the petitioner of the service on the respondent of a final
11 protective order within one hour after knowledge of service of the order on the respondent.

12 (2) The Department of Public Safety and Correctional Services shall
13 develop a notification request form and procedures for notification under this subsection.

14 (3) The court clerk or Commissioner shall provide the notification request
15 form to a petitioner.

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