

SENATE BILL 743

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4lr3149
CF HB 745

By: **Senator Waldstreicher**

Introduced and read first time: January 31, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Family Law – Protective Orders – Crimes of Violence and Stalking

FOR the purpose of adding stalking to the list of offenses for which a certain individual may petition for a protective order; altering certain provisions of law relating to the issuance of a permanent protective order; and generally relating to protective orders.

BY repealing and reenacting, with amendments,

Article – Family Law

Section 4–501(m)

Annotated Code of Maryland

(2019 Replacement Volume and 2023 Supplement)

BY repealing

Article – Family Law

Section 4–506(k)

Annotated Code of Maryland

(2019 Replacement Volume and 2023 Supplement)

BY adding to

Article – Family Law

Section 4–506(k)

Annotated Code of Maryland

(2019 Replacement Volume and 2023 Supplement)

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

Article – Family Law

4–501.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(m) “Person eligible for relief” includes:

- (1) the current or former spouse of the respondent;
- (2) a cohabitant of the respondent;
- (3) a person related to the respondent by blood, marriage, or adoption;
- (4) a parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who resides or resided with the respondent or person eligible for relief for at least 90 days within 1 year before the filing of the petition;
- (5) a vulnerable adult;
- (6) an individual who has a child in common with the respondent;
- (7) an individual who has had a sexual relationship with the respondent within 1 year before the filing of the petition; and
- (8) an individual who alleges that the respondent committed, within 6 months before the filing of the petition, any of the following acts against the individual:
 - (i) rape or a sexual offense under § 3–303, § 3–304, § 3–307, or § 3–308 of the Criminal Law Article; **[or]**
 - (ii) attempted rape or sexual offense in any degree; **OR**

(III) STALKING UNDER § 3–802 OF THE CRIMINAL LAW ARTICLE.

4–506.

[(k) (1) Notwithstanding any other provision of this section, the court shall issue a permanent protective order under this subsection against an individual if:

- (i) an interim, temporary, or final protective order has been issued under this subtitle against the individual;
- (ii)
 1. the individual was convicted and sentenced to serve a term of imprisonment of at least 5 years for the act of abuse that led to the issuance of the interim, temporary, or final protective order and the individual has served at least 12 months of the sentence; or
 2. A. during the term of the interim, temporary, or final protective order, the individual committed an act of abuse against the person eligible for relief; and

B. the individual was convicted and sentenced to serve a term of imprisonment of at least 5 years for the act and has served at least 12 months of the sentence; and

(iii) the victim of the act of abuse described in item (ii)1 or 2 of this paragraph, who was the person eligible for relief in the interim, temporary, or final protective order, requests the issuance of a permanent protective order under this subsection.

(2) In a permanent protective order issued under this subsection, the court may grant only the relief that was granted in the original protective order under § 4–504.1(c)(1) or (2) or § 4–505(a)(2)(i) or (ii) of this subtitle or subsection (d)(1) or (2) of this section.

(3) Unless terminated at the request of the victim, a protective order issued under this subsection shall be permanent.]

(K) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE COURT SHALL ISSUE A PERMANENT PROTECTIVE ORDER UNDER THIS SUBSECTION AGAINST AN INDIVIDUAL IF:

(I) AN INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER HAS BEEN ISSUED UNDER THIS SUBTITLE AGAINST THE INDIVIDUAL;

(II) THE INDIVIDUAL WAS CONVICTED OF EITHER A CRIME OF VIOLENCE, AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE, OR STALKING UNDER § 3–802 OF THE CRIMINAL LAW ARTICLE FOR THE ACT OF ABUSE THAT LED TO THE ISSUANCE OF THE INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER; AND

(III) THE VICTIM OF THE ACT OF ABUSE DESCRIBED IN ITEM (II) OF THIS PARAGRAPH, WHO WAS THE PERSON ELIGIBLE FOR RELIEF IN THE INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER, REQUESTS ISSUANCE OF A PERMANENT PROTECTIVE ORDER.

(2) IN A PERMANENT PROTECTIVE ORDER ISSUED UNDER THIS SUBSECTION, THE COURT MAY GRANT ONLY THE RELIEF THAT WAS GRANTED IN THE ORIGINAL PROTECTIVE ORDER UNDER § 4–504.1(C)(1) OR (2) OR § 4–505(A)(2)(I) OR (II) OF THIS SUBTITLE OR SUBSECTION (D)(1) OR (2) OF THIS SECTION.

(3) UNLESS TERMINATED AT THE REQUEST OF THE VICTIM, A PROTECTIVE ORDER ISSUED UNDER THIS SUBSECTION SHALL BE PERMANENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.