

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 273

(Senator Jackson)

Judicial Proceedings

Judiciary

Peace Orders and Protective Orders - Military Protection Orders

This bill authorizes a judge to consider whether a military protection order (MPO) has been issued against a respondent for the same or similar conduct against the same petitioner (or petitioner's employee, as applicable) when determining whether there are reasonable grounds to issue a temporary protective order or temporary peace order, as otherwise specified in statute. If a law enforcement officer has probable cause to believe that an individual is in violation of a protective or peace order *and* is a service member in violation of an MPO entered into the Federal Bureau of Investigation's National Crime Information Center Database, the law enforcement officer must notify the law enforcement agency that entered the MPO of the violation.

Fiscal Summary

State Effect: General fund expenditures for the Judiciary increase by \$99,900 in FY 2026 only for one-time programming costs. No effect on revenues.

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	99,900	0	0	0	0
Net Effect	(\$99,900)	\$0	\$0	\$0	\$0

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: A “military protection order” means a protection order issued in accordance with 10 U.S.C. § 1567 by a commanding officer against a person under the officer’s command in (1) any branch of the uniformed services of the United States; (2) the Maryland National Guard; or (3) the national guard of any other state.

Current Law:

Peace Orders

Generally, under current law, an individual who does not meet specified relationship requirements under the domestic violence protective order statutes may file a petition for a peace order with the District Court or the District Court commissioner (for an interim order) that alleges the commission of specified acts against the petitioner by the respondent, if the act occurred within 30 days before the filing of the petition. Such acts include an act that causes serious bodily harm, an act that places the petitioner in fear of imminent serious bodily harm, harassment, stalking, trespass, malicious destruction of property, and visual surveillance.

If a judge finds that there are reasonable grounds to believe that the respondent has committed, and is likely to commit in the future, one of the specified acts against the petitioner, the court may issue a temporary peace order to protect the petitioner. After a final peace order hearing, if a judge finds by a preponderance of the evidence that the respondent has committed, and is likely to commit in the future, one of the specified acts against the petitioner, or if the respondent consents to the entry of a peace order, the court may issue a final peace order to protect the petitioner. The order must contain only the relief that is minimally necessary to protect the petitioner. Among other provisions, a final peace order may order the respondent to (1) refrain from committing or threatening to commit specified acts; (2) refrain from contacting, attempting to contact, or harassing the petitioner; (3) refrain from entering the residence of the petitioner; or (4) remain away from the place of employment, school, or temporary residence of the petitioner.

Protective Orders

Only a “person eligible for relief” may file for a protective order under the Family Law Article. A “person eligible for relief” includes:

- the current or former spouse of the respondent;
- a cohabitant of the respondent;
- a person related to the respondent by blood, marriage, or adoption;

- 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 one year before the filing of the petition;
- a vulnerable adult;
- an individual who has a child in common with the respondent;
- an individual who has had a sexual relationship with the respondent within one year before filing of the petition; and
- an individual who alleges that the respondent committed (or attempted), within six months before the filing of the petition, rape or specified sexual offenses.

A person eligible for relief may file a petition for a protective order, alleging that the respondent has committed an act of “abuse.” For the purpose of protective orders, “abuse” means (1) an act that causes serious bodily harm; (2) an act that places a person eligible for relief in fear of imminent serious bodily harm; (3) assault in any degree; (4) rape or sexual offense, as specified; (5) false imprisonment; (6) stalking; or (7) revenge porn.

If a judge finds that there are reasonable grounds to believe that a person eligible for relief has been abused, the judge may enter a temporary protective order to protect any person eligible for relief from abuse. In general, a judge may grant a final protective order if the judge finds by a preponderance of the evidence that the alleged abuse has occurred or if the respondent consents to the entry of the order. Among other relief, a final protective order may order the respondent to (1) refrain from abusing or threatening to abuse any person eligible for relief; (2) refrain from contacting, attempting to contact, or harassing any person eligible for relief; (3) refrain from entering the residence of any person eligible for relief; (4) remain away from the place of employment, school, or temporary residence of a person eligible for relief or home of other family members; or (5) remain away from a child care provider of a person eligible for relief while the child is in the provider’s care.

Violations of Peace Orders and Protective Orders

A law enforcement officer must arrest – with or without a warrant – and take into custody an individual who the officer has probable cause to believe is in violation of an interim, temporary, or final peace/protective order in effect at the time of the violation.

An individual who fails to comply with specified provisions of an interim, temporary, or final peace/protective order is guilty of a misdemeanor and subject to maximum penalties of a \$1,000 fine and/or 90 days imprisonment for a first offense and a \$2,500 fine and/or one year imprisonment for a second or subsequent offense.

Military Protective Orders

In general, an MPO is a written lawful order issued by a commander that orders a service member to avoid contact with those persons identified in the order. An MPO issued by a military commander must remain in effect until such time as the military commander terminates the order or issues a replacement order. Within seven days of the MPO being issued against a service member, the commander must notify the appropriate civilian authorities of the issuance of the MPO and the individuals involved. The commander must also notify the appropriate civilian authorities of any change made to or termination of the MPO.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 533 (Delegate Crutchfield) - Judiciary.

Information Source(s): Baltimore, Cecil, Frederick, and Montgomery counties; Maryland Association of Counties; Judiciary (Administrative Office of the Courts); Military Department; Department of Legislative Services

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