



Montgomery County

Office of Intergovernmental Relations

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HB 248

DATE: January 30, 2020

SPONSOR: Delegate Atterbeary, et al.

ASSIGNED TO: Judiciary

CONTACT PERSON: Sara Morningstar (sara.morningstar@montgomerycountymd.gov)

POSITION: SUPPORT (Montgomery County Department of Police)

Protective Orders – Relief Eligibility – Rape and Sexual Offenses

House Bill 248 would alter the definition of “person eligible for relief” in a domestic violence protective order to include individuals who allege they are victims of rape or sexual assault. The Montgomery County Department of Police supports this victims’ rights legislation.

While Maryland law changed in 2015 to expand protections for victims of sexual crimes, a legal ambiguity has remained in the courts when it comes to determining who qualifies for protective orders involving rape and sexual offenses for parties not in a “relationship.” By clarifying that these victims may seek relief under a protective order, HB 248 affords victims expanded protections not included in peace orders (e.g., longer order, removal of firearms, and a more robust response by law enforcement).

Victims of domestic violence and their families will benefit from enhanced legal protections provided under this bill. The Committee is urged to adopt a favorable report on HB 248.