



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chairman and
Members of the Judiciary Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: January 30, 2020

RE: **HB 248 – Protective Orders – Relief Eligibility – Rape and Sexual Offenses**

POSITION: **SUPPORT**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT** HB 248. This bill would change the definition of "person eligible for relief" in a protective order to include anyone who alleges that s/he is a victim of a rape or a sexual offense, clarifying that they are eligible to receive a protective order rather than a peace order.

Protective orders generally cover people who are in intimate or family relationships – people who are/were married, have children together, have lived together or been in an intimate relationship, or are related by blood, marriage or adoption and they also cover caregivers in vulnerable adult cases. A victim of violence who does not have one of these enumerated relationships cannot qualify for a protective order, but instead may qualify for a peace order.

In 2015, the law changed to include victims who were in a "sexual relationship" with their abusers. While this was an important change and brought more victims under the coverage of the protective order, it has also caused confusion because there are a number of judges who believe that date rape victims do not qualify for protective orders because, while the act is "sexual," they are not in a "relationship" with their assailants. This differing interpretation of "sexual relationship" among the judges has led to inconsistent application of the law. Petitioners in the exact same situation receive different outcomes depending on which judge hears the case.

HB 248 would clarify that a person who is a victim of rape or sexual offenses qualifies for a protective order instead of a peace order by expanding "person eligible for relief" to include victims of rape/sexual offense and removing rape/sexual offense from the list of acts of abuse under the peace order statute. This will eliminate confusion and inconsistency in the application of the law and offer greater protection to victims, such as: longer term orders; elimination of the need to show that abuse is likely to recur; and, a more robust response from law enforcement.

For these reasons, MCPA and MSA **SUPPORT** HB 248 and urge a **FAVORABLE** committee report.