



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony for SB 105
Peace Orders – Workplace Violence
Before the Judicial Proceedings Committee
On January 28, 2021**

Good afternoon Mr. Chairman, members of the Committee.

Peace orders are important legal tools that can be implemented to protect victims of abuse in our community. A “peace order” is a type of legal protection that can be provided to anyone who is experiencing problems with another person.¹ These orders enable a petitioner who wishes to be left alone to ask the Court to order another person to stay away and refrain from any contact with them.² In 2019 alone, the District Court granted 6,524 interim peace orders, 15,512 temporary peace orders, and 5,415 final peace orders.³

Under current law, an individual seeking protection must file the order. The law is designed to give a victim the opportunity to seek a protective order. For example, a petitioner who does not meet the relationship requirements under the domestic violence protective order statutes may file a petition for a peace order with the District Court that alleges the commission of certain acts against the petitioner by the respondent, if the act occurred within 30 days before the filing of the petition.⁴ 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, and malicious destruction of property.⁵ However, if an individual in need of protection is precluded in some way from filing for a protective order, there is no alternative way for them to seek a protective order.

To remedy this, SB 105 extends existing statutory provisions relating to the filing, issuance, and modification of peace orders, as well as the shielding of related court records, and to peace orders filed by employers on this basis. Specifically, this bill allows an employer to file a petition for a peace order on behalf of an employee that alleges the commission of one or more of the specified acts against their employee in the workplace. This bill requires an employer to notify its employee

¹ The People’s Law Library of Maryland, *Peace Orders*, retrieved from <https://www.peoples-law.org/peace-orders>.

² *Id.*

³ See Fiscal and Policy Note for SB 846 (2020).

⁴ *Id.*

⁵ *Id.*

before filing for the peace order. However, an employer is immune from any civil liability that may result from their failure to file a petition for a peace order on behalf of an employee. An employer may not retaliate against an employee who does not provide information for or testify at a peace order proceeding.

Workplace violence has been especially prevalent in the health care system, with nurses in particular facing high rates of physical violence in the workplace.⁶ Nurses who become victims of workplace violence often do not feel comfortable filing for protective orders on their own. This bill will allow a nurse's employer to file the peace order on behalf of them and prevent a dangerous person from returning to the nurse's place of employment.

SB 105 helps to protect victims of abuse who are afraid to take action on their own behalf. By allowing employers to file for protective orders on behalf of employees for acts against their employees in the workplace, we are enabling others to take action against abuse when it happens. We are allowing members of our community to stand up for those who cannot stand up for themselves. I ask the committee to vote in favor of SB 105.

⁶ Jacquelyn C. Campbell, PhD, RN, FAAN et. al., "Workplace Violence: Prevalence and Risk Factors in the Safe at Work Study," *Journal of Occupational and Environmental Medicine*, Vol. 54 No. 1, 84 (Jan. 2011).