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TESTIMONY IN SUPPORT OF HOUSE BILL 817

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The House of Ruth Maryland is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. House of Ruth has offices in Baltimore City, Prince George’s County, Montgomery County, and Baltimore County. House Bill 817 would prevent a conviction for violation of a protective order from merging with a conviction for the underlying assault that led to the violation. **We urge the House Judiciary Committee to issue a favorable report on House Bill 817.**

Under current law, criminal defendants who are charged and convicted of violation of a protective order may be convicted of two crimes – the violation of the protective order and a separate crime of assault which gave rise to the violation. Even if the defendant is convicted of both the violation and the assault, under the rule on mergers of sentencing, the defendant can only be sentenced for the crime which carries the shorter sentence. In this situation, the violation of protective order charge carries a much lower sentence than the assault charge, specifically 90 days as opposed to up to 10 years. Thus, a defendant who is convicted of both an assault against an intimate partner and violation of a protective order can only be sentenced for up to 90 days.

The Court of Special Appeals confronted this issue in a recent case. In order to prevent the defendant-abuser from receiving the lenient sentence of 90 days for violation of protective order, as opposed to the longer sentence associated with the assault charge, the Court vacated the violation conviction so that the defendant could be sentenced for the assault. However, this means that if the defendant is convicted in the future of another violation of protective order, he would not be subject to the enhanced penalty available for a subsequent violation of protective order offense.

House Bill 817 would prohibit the merger of the crimes of violation of a protective order and the underlying assault, thus holding abusers accountable to a much higher potential sentence. It would also prevent defendant from receiving a “second bite at the apple” for subsequent conviction of violation of protective order.

The House of Ruth urges a favorable report on House Bill 817.