



BILL NO: House Bill 1290
TITLE: Protective Orders – Coercive Control
COMMITTEE: Judiciary
HEARING DATE: February 29, 2024
POSITION: **OPPOSE**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the House Judiciary Committee to issue an unfavorable report on HB 1290.**

It is undeniable that coercive control is a horrible form of domestic violence commonly experienced by survivors. While this bill appears helpful in theory, there are real concerns about what it will do in practice. The codification of coercive control introduces concerns about implementation, potential unintended consequences, and harm to survivors. In addition, advocates generally agree that including coercive control in protective order statutes would not meaningfully improve the courts' ability to recognize and respond to survivors' experiences of abuse.¹

Protective orders are an extreme measure intended for dangerous situations where there is a serious risk of physical violence. The vague language in HB 1290 is over-inclusive in identifying the pool of people eligible for a protective order. This bill could be interpreted to encompass some conflicts between couples that otherwise do not rise to the level of domestic violence and others that are eligible already for protective orders pursuant to a threat of force if it places the victim in fear of imminent serious bodily harm.

Codifying coercive control would also provide more opportunities for the legal system to penalize victims. There is an increasing number of abusers who manipulate the legal system by seeking protective orders against survivors, claiming that the abuser is actually the victim.² This further controls, isolates, and victimizes survivors. By including coercive control in the grounds for a protective order, HB 1290 would make it even easier for the protective order system to be weaponized against survivors.

¹ Washington State Coalition Against Domestic Violence, [Coercive Control Legislation Membership Input Report](#), (2021).

² Battered Women's Justice Project, [Coercive Control Codification: A Brief Guide for Advocates and Coalitions](https://www.bwjp.org/assets/documents/pdfs/cc-codificationbrief.pdf) (2021) <https://www.bwjp.org/assets/documents/pdfs/cc-codificationbrief.pdf>; WSCADV [Membership Input Report](#)
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The broad language in HB 1290 makes a finding of coercive control extremely context dependent. Coercive control can be very difficult to prove and articulate, often requiring a breadth of evidence and complexity of analysis that the current system is not well equipped to provide. This means protective orders might only be granted in the most extreme cases, which has the effect of normalizing lower levels of abuse, minimizing survivors' experiences of coercive control.³

While on paper, coercive control laws might appear to fix some of the issues in our current system, in effect they will likely only widen them, harming survivors in the process. Without broader reform of the legal system and greater recognition and understanding of the power and control dynamics of domestic violence, the codification of coercive control will cause more harm than good.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on HB 1290.**

³ Julia Tolmie (2018). Coercive control: To criminalize or not to criminalize? *Criminology & Criminal Justice* 18(1):50-66.

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