

SB273_Brooks.pdf

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BENJAMIN BROOKS
Legislative District 10
Baltimore County

Education, Energy, and the
Environment Committee
Energy Subcommittee

Chair, Joint Electric Universal
Service Program Workgroup



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SB 273
Peace Orders and Protective Orders – Military Protection Orders

Judicial Proceedings Committee
January 30, 2024

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee.

Thank you for the opportunity to testify before you on SB 273, Peace Orders and Protective Orders - Military Protection Orders. The purpose of this bill is to close two gaps when it comes to protecting victims of abuse and harassment in Maryland. First, the bill allows judges to take into consideration the existence of a Military Protective Order (MPO) when hearing cases for temporary relief. Second, the bill establishes a line of communication between civilian and military law enforcement when service members violate their MPOs.

Temporary peace and protective orders exist to provide Marylanders immediate protection from harm, harassment, and/or abuse. If a judge finds reasonable grounds to believe that the respondent has committed and is likely to commit future harm against the petitioner, then the judge may issue a temporary peace or protective order, pending full adjudication.

Similarly, an MPO is an order issued by a commanding officer to protect a victim of alleged abuse, harassment, or threats by restricting the actions and movements of the accused service member. While MPOs function like temporary peace and protective orders, they are not subject to enforcement by civilian authorities outside of a military installation. This creates an unintended gap in protecting victims of harassment and/or abuse in our State. Moreover, Maryland judges are also not explicitly allowed to consider whether an individual has an MPO when issuing a temporary peace or protective order against them.

SB 273 closes both of these gaps by explicitly allowing judges to consider an MPO in a temporary peace or protective order hearing if the MPO was issued for a similar offense against the same person. Additionally, the bill also requires Maryland law enforcement to notify military law enforcement if they have probable cause to believe that an individual has violated their MPO.

To clarify, Maryland judges will not be required to issue a temporary peace or protective order if an individual has an MPO. Additionally, the bill does not require Maryland law enforcement to enforce an MPO. SB 273 simply informs the military if a service member has violated an

MPO while off a military installation and allows judges to consider an MPO when determining whether or not to issue a temporary peace or protective order.

Through the implementation of interpersonal violence policies at the state level, we empower victims, deter offenders and create an environment for military families that is conducive to resilience and readiness.

For these reasons, I am requesting a favorable report on SB 273.

With kindest regards,

A handwritten signature in cursive script that reads "Benjamin F. Brooks".

Benjamin Brooks

VeteransCaucusLegislationSupportLetter_SB273.pdf

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MARYLAND GENERAL ASSEMBLY
VETERANS CAUCUS

January 28, 2025

Senator William Smith, Chair
Judicial Proceedings Committee
3E Miller Senate Office Building
Annapolis, MD 21401

Re: SB273, Peace Orders and Protection Orders -Military Protection Orders
Hearing Date: January 30, 2025

Dear Chairman Smith,

Please let this letter serve as notice of the support of the Maryland General Assembly Senate Veterans Caucus for Senate Bill 273.

After review by our respective legislative committees, the Senate Veterans Caucus believes that the above-mentioned legislation would provide a valuable benefit to the veterans of the State of Maryland.

With kindest regards,

A handwritten signature in cursive script that reads "Benjamin F. Brooks".

Senator Benjamin Brooks
Senate Chair

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Position: FAV



MANPOWER AND
RESERVE AFFAIRS

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
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January 30, 2025

**Maryland General Assembly
Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401**

Senator William C. Smith, Jr., Chairperson

**Remarks of
Christopher R. Arnold
Mid-Atlantic Region Liaison
United States Department of Defense-State Liaison Office**

Support of: Senate Bill 273 – Peace Orders and Protective Orders – Military Protection Orders

Testimony

Chairman Smith and honorable members of the Committee, the Department of Defense is grateful for the opportunity to support the policies reflected in Senate Bill 273. Through the implementation of interpersonal violence policies, Maryland can empower victims, deter offenders, and create an environment for military families that enhances readiness.

My name is Christopher Arnold. I am the Mid-Atlantic Region Liaison at the United States Department of Defense-State Liaison Office, operating under the direction of Under Secretary of Defense for Personnel and Readiness. We represent the Department and establish relationships with state and local leaders on issues currently impacting our service members and their families. These policies are identified by the Office of the Secretary of Defense, the Military Departments, and the National Guard Bureau as areas where states can play a crucial role.

In 2021, the 90-Day Independent Review Commission (IRC) to address sexual assault and harassment amongst the force made a series of recommendations to address interpersonal violence in the areas of accountability, prevention, climate, and culture.¹ Additionally, the IRC dedicated nearly one third of its recommendations to the expansion of services to victims.² Subsequently, state response to military interpersonal violence became a top priority for the Department.

Interpersonal violence can be defined as any behavior that asserts power or control over another person, and various forms of abuse to include psychological, emotional, verbal, physical, sexual

¹ U.S. Department of Defense (n.d.). *Independent Review Commission on Sexual Assault in the Military*. Retrieved December 12, 2023, from <https://www.defense.gov/Spotlights/Independent-Review-Commission-on-Sexual-Assault-in-the-Military/>

² U.S. Department of Defense. *Hard Truths and the Duty to Change: Recommendations from the Independent Review Commission on Sexual Assault in the Military*. Arlington, VA. Government Printing Office; 2021.

or economic. Interpersonal violence extends well beyond an individual victim, as the effects of violence directly impact on our service members, their families, the units to which they are assigned, and our greater national security. The Department of Defense is committed to a coordinated community response regarding reports of violence.

Senate Bill 273 defines military protection orders, allowing them to be used as evidence when an individual is seeking a temporary order of protection in a civilian context.

A military protective order is an order issued by a commanding officer to protect a victim of alleged abuse, harassment, or threats, and that order restricts the actions and movements of the service member who is alleged to have committed these harmful behaviors. These orders are typically issued in situations involving domestic violence, sexual assault, harassment, or other threats to safety, and they are meant to prevent further harm and ensure the safety of victims.

Violating a military protective order is a serious offense and can lead to disciplinary actions under the Uniform Code of Military Justice, including non-judicial punishment, court-martial, or administrative separation.

Military protective orders are not recognized or enforced off installations, therefore, military commanders in the state have limited authority over service member actions that occur off an installation. Explicitly allowing Military Protective Orders to be introduced as evidence when a victim is seeking to obtain a temporary protection from abuse order will provide victims of interpersonal violence with greater access to protections, services, and victim advocacy efforts that would not have been available through a standard military protective order on installation.

Additionally, victims may not have to relive their trauma twice: once when obtaining a military protective order, and again with seeking to obtain a civilian protective order or restraining order.

Civilian law enforcement officers have no authority regarding the enforcement of MPOs off a military installation, however, there are ways to enhance communication between military and civilian law enforcement that will provide support to victims. Senate Bill 273 requires peace officers to contact a law enforcement agency which entered a military protective order into the National Crime Information Center database when responding to a violation of a Maryland protection order.

In conclusion, the above aforementioned policies offer a framework to combat various forms of abuse and harassment that the Department of Defense has worked to improve. Maryland's role in helping to ensure these changes can be implemented nationwide with some sense of uniformity for victims is critical to the enhancement of the safety, financial security, and physical and emotional well-being of military service members and their family members.

We thank the Committee for considering this important legislation, and are especially grateful for the tremendous efforts Maryland has historically made in supporting our service members and their families. We also thank the bill sponsors, Senator Jackson and Senator Brooks, as well as the members of the Maryland Senate Veterans Caucus, for their continued advocacy and support.

Yours etc.,

CHRISTOPHER R. ARNOLD
Mid-Atlantic Region Liaison
Defense-State Liaison Office

MMC Testimony SB0273 Favorable Final.2.pdf

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Position: FAV



MARYLAND MILITARY COALITION

Serving Veterans through Legislative Advocacy

January 29, 2025

The Honorable William C. Smith, Jr.
The Honorable Jeff Waldstreicher
Senate Judicial Proceedings Committee
2 East Miller Seat Office Building
Annapolis, MD 21401

Re: Subject: **Request for FAVORABLE Report-SB0273** – Peace Orders and Protective Orders – Military Protection Orders

Dear Chair Smith, Vice Chair Waldstreicher and Members of the Senate Judicial Proceedings Committee:

The Maryland Military Coalition recommends a **FAVORABLE report** by the Committee on SB0273 – Peace Orders and Protective Orders – Military Protection Orders, sponsored by Senator Michael Jackson.

This bill would authorize a judge to consider whether a military protection order has been issued against a respondent when determining whether to grant a temporary peace order or a temporary protective order. Additionally, the bill requires a law enforcement officer to notify military law enforcement agencies that an individual may have violated a military protective order.

Interpersonal violence is a behavior that asserts power or control over another person that includes various forms of abuse, which may negatively impact service member readiness and resiliency. Addressing issues of sexual assault, domestic violence, abuse and harassment within the military is important for maintaining a resilient and ready force.

The military's service branches have an obligation to know what is happening with their service members both while they are on and off duty. The implementation of interpersonal violence policies at the state level empowers victims, deters offenders and creates an environment for military families that is conducive to resilience and readiness.

Maryland can enhance protections relating to domestic violence, sexual assault, including filing procedures for protection orders to assist victims of interpersonal violence. This bill will enhance protections for victims of interpersonal violence because it will allow military protective orders to be admitted as evidence when applying for civilian protective orders. In addition, by requiring civilian law enforcement officers to notify military law enforcement agencies that an individual

may have violated a military protective order, the bill enhances protections for victims of interpersonal violence on post.

Significantly, the provisions of this bill are a priority of the Department of Defense State Liaison Office.

<https://statepolicy.militaryonesource.mil/priorities/state-response-to-military-interpersonal-violence>

The MMC **strongly supports SB0273** and asks the Judicial Proceedings Committee for a **FAVORABLE report**.

The Maryland Military Coalition is a registered non-profit, non-partisan advocacy organization comprised of prominent Maryland-based veteran and military groups, representing over 150,000 service-connected individuals, including those currently serving, veterans, retirees and their families, caregivers, and survivors.

We want to thank Senator Jackson for his commitment to our veterans and the uniformed services community in Maryland.

Respectfully,



Jayson L. Spiegel
LTC, Army Reserve (Ret.)
President



Member Organizations of the Maryland Military Coalition

Air Force Sergeants Association

American Military Society

American Minority Veterans Research Project

Association of the United States Navy

Commissioned Officers Association of the U.S. Public Health Service

Disabled American Veterans

Fleet Reserve Association of Annapolis

Jewish War Veterans of the U.S.A

Maryland Air National Guard Retirees' Association

Maryland National Association of Retired Federal Employees Veterans Committee

Maryland Veterans Chamber of Commerce

Military Officers Association of America

Military Order of the Purple Heart

Military Order of the World Wars

Montford Point Marines of America

National Association of Black Veterans

Naval Enlisted Reserve Association

NOAA Association of Commissioned Officers

Platoon 22

Reserve Organization of America

Society of Military Widows

Veterans of Foreign Wars

SB 273 - MNADV - FAV .pdf

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Position: FAV



BILL NO: Senate Bill 273
TITLE: Peace Orders and Protective Orders – Military Protection Orders
COMMITTEE: Judicial Proceedings
HEARING DATE: January 30, 2025
POSITION: **Support**

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 Judicial Proceedings Committee to issue a favorable report on SB 273.**

Senate Bill 273 would authorize a judge to consider whether a military protection order has been issued against a respondent when determining whether to grant a temporary peace order or a temporary protective order, and would require a law enforcement officer to notify a certain law enforcement agency that an individual may have violated a military protection order under certain circumstances. MNADV supports this bill as we understand from some of our member programs that the lack of communication between the military entities that issue military orders and the civil judiciary can cause victims to be unsafe, depending on where they are at a given time.

Under SB 273, a “military protection order” is defined as an Order issued in accordance with 10 U.S.C. § 1567 by a commanding officer against a person under the officer’s command.” SB 273 includes a broad variety of military entities. Maryland has quite a few military bases within its boundaries. When a service member commits abuse against an intimate partner, they can be subject to a military order of protection. However, it is our understanding that these military orders are only enforceable on base. If the military member is not on base and commits abuse on a victim, the victim’s recourse is to seek a civil peace or protection order from the courts of Maryland. It only makes sense that the two avenues of trying to provide safety to victims should know about each other. SB 273 would allow a civil judge to know if a military order has been issued when the judge is considering the petition in front of them. It would also cause law enforcement to notify the military entity that issued an order to know about the civil order under certain circumstances.

For further information contact Laure Ruth ■ Public Policy Director ■ 301-852-3930 ■ lruth@mnadv.org

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Tel: 301-429-3601 ■ E-mail: info@mnadv.org ■ Website: www.mnadv.org



For the above stated reasons, the Maryland Network Against Domestic Violence urges a **favorable report on SB 273 in order to increase safety for survivors of domestic violence.**

For further information contact Laure Ruth ■ Public Policy Director ■ 301-852-3930 ■ lruth@mnadv.org

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SB273 - MNADV - FAV.pdf

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Position: FAV



BILL NO: Senate Bill 273
TITLE: Peace and Protective Orders – Military Protection Orders
COMMITTEE: Judicial Proceedings
HEARING DATE: January 28, 2025
POSITION: **SUPPORT**

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 Senate Judicial Proceedings Committee to issue a favorable report on SB 273.**

Senate Bill 273 allows a judge to consider whether a military protection order has been issued against a respondent for the same or similar conduct when determining whether to grant a temporary peace or protective order. It further requires an officer who believes that an individual they have taken into custody is a service member in violation of a military protective order (MPO) to notify the law enforcement agency that entered the MPO into the Federal Bureau of Investigation’s National Crime Information Database that the service member may be in violation of the MPO.

Domestic violence victims often use protection orders as a means of moving towards safety. Studies have found that protective orders can reduce violence against victims, sometimes up to an 80 percent reduction in violence reported to police.¹ Additionally, victims report greater feelings of safety and psychological well-being after receiving a protective order.² In 2023, the Maryland Circuit Court granted 5,725 temporary protective orders and 2,024 final protective orders, while the Maryland District Court granted 14,372 interim, 19,533 temporary, and 8,535 final protective orders.³ The sheer volume of orders granted illustrates the need for this civil relief for victims of domestic violence.

Over 29,000 citizens serve as active duty in Maryland, with nearly 18,000 more serving in reserve components, and these numbers do not account for service members who may work in other states and live in Maryland.⁴ Victims who are military affiliated may seek an MPO if an

¹ Domestic Violence Research, “Facts and Statistics on Domestic Violence at a Glance,” available at <https://domesticviolenceresearch.org/domestic-violence-facts-and-statistics-at-a-glance/>

² Ibid.

³ Maryland Judiciary Research and Analysis, “2023 Maryland Judiciary Statistical Abstract,” p. 29, 42, October 2024.

⁴ Defense Manpower Data Center, “Military and Civilian Personnel by Service/Agency by State/Country,” June 2024.

For further information contact Laure Ruth • Public Policy Director • 301-852-3930 • lruth@mnadv.org



offense happens on a base or installation. However, MPOs are not enforceable by civilian authorities.⁵ Therefore, it is extremely important that victims with an MPO also seek a civilian protection order in Maryland. Judges should be able to consider and weigh all relevant evidence when determining whether to grant a temporary, interim, or final protective order, and evidence of a pre-existing order is germane to the judge's ability to make a fully informed decision. Additionally, it is important that Maryland law enforcement communicate with military law enforcement responsible for the MPO so that both agencies have access to the most up-to-date information possible to enforce the protective orders and keep victims safe.

It is also important for both judges and civilian law enforcement alike to recognize that MPOs do not prohibit a service member from passing a federal firearms background check and purchasing a firearm despite the existence of the MPO.⁶ Maryland law provides for the removal of firearms and prohibits the respondent from obtaining them for the duration of the protective order.⁷ When a Maryland judge issues this provision, and a Maryland law enforcement agency notifies the corresponding military agency, the military may then enforce the civilian order on the military installation.⁸

MNADV believes that this bill would provide greater safety for Maryland's domestic violence victims by allowing judges to consider all appropriate evidence when issuing a protective order and by creating improved communication between civilian and military law enforcement agencies. When everyone is equally informed, victim safety is improved.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 273.**

⁵ Department of Defense Instruction 6400.06, 3.5 COMMANDERS d. MPO (2) (c) 1, issued 15 December 2021; updated last 11 July 2024.

⁶ Ibid.

⁷ Md. Code Ann., Fam. Law § 4-506(f).

⁸ 10 USC §1561a. Civilian orders of protection: force and effect on military installations, available at: <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title10-section1561a&num=0&edition=prelim>, updated 27 January 2024.

PO - military - senate - 2025 - MCASA SB273 FAV.pd

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Position: FAV



Working to end sexual violence in Maryland

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For more information contact:
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Testimony Supporting Senate Bill 273
Lisae C. Jordan, Executive Director & Counsel
January 30, 2025

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 273.

Senate Bill 273 – Military and Civil Protective Orders

This bill would permit Maryland state courts to consider whether a military protective order has been issued when deciding whether to issue a civil protective order. It would also require civil authorities to share information regarding violations of a military protection order.

Sexual assault and abuse can provide the bases for both civil protective orders and military protection orders. With eleven active military bases or installations in the State, and many military members, there are significant numbers of litigants seeking protective orders or responding to petitions who have military ties. Survivors seeking these orders face a bewildering process and lack of information sharing between civil and military authorities.

Advocates and attorneys report difficulty negotiating two differing systems and challenges enforcing orders. Military orders are not subject to enforcement by civilian authorities. Commanders are instead required to advise survivors who desire protection off base to seek a civilian protective order and direct them to the appropriate victim support service. Military officials are directed to enforce civil orders, but do not always learn of violations of either military or civil order.

Senate Bill 273 will require information sharing between Maryland state courts and the military, and clarify that civil courts may consider whether a military order has been issued. This will help keep survivors safe.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to report favorably on Senate Bill 273**