

Letter for Senate Bill 721 final.pdf

Uploaded by: Erin Pearl

Position: FAV



J. CHARLES SMITH, III
STATE'S ATTORNEY

KIRSTEN N. BROWN
DEPUTY STATE'S ATTORNEY

STATE'S ATTORNEY FOR FREDERICK COUNTY

County Courthouse
100 West Patrick Street
Frederick, Maryland 21701

www.statesattorney.us

February 28, 2025

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

Re: Senate Bill 721- Family Law – Permanent Protective Orders – Consent

Dear Chairman Smith, Vice Chair Waldstreicher and members of the committee,

On behalf of the Frederick County State's Attorney's Office and the Maryland State's Attorney's Association, I write in support of Senate Bill: 721 Family Law—Permanent Protective Orders—Consent. I am an Assistant State's Attorney in the Special Victim's Unit of the Frederick County State's Attorney's Office, and I have worked with hundreds of victims in my 18-year career. In my current position, I work primarily with children and adults who are victims of sexual and physical abuse. Without fail, the question I am asked by victims and parents alike is, "how can I ensure that I am safe and my children are safe?" In practice, the current version of the permanent protective order is very limited in its ability to provide the security and peace of mind they so desperately seek.

A permanent protective order cannot be granted pursuant to Md. Annotated Code, Family Law § 4-506, unless prosecutors obtain a conviction and a term of imprisonment of at least 5 years. Additionally, the statute mandates that a permanent protective order cannot be granted until after the Defendant has served 1 year of that sentence. Victims with protective orders must wait to file for this relief long after the resolution of the criminal case, and then, when then when they do file, many are denied relief due to the expiration of their original protective order.

As prosecutors, we must balance the victim's safety and the trauma of testifying in these cases with the ability to resolve the matter in a fair and just way. Allowing defendants the option to consent to a permanent protective order promotes victim safety and resolution of cases. Defendants and victims alike would benefit from the ability to allow for consent to permanent

CIRCUIT COURT DIVISION
301-600-1523

DISTRICT COURT DIVISION
301-600-2573

CHILD SUPPORT DIVISION
301-600-1538

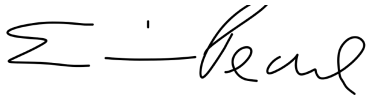
JUVENILE DIVISION
301-600-2980

protective orders. Victims will receive the security and protection of the Court, and defendants may avoid the risk of trial or a lengthier sentence in exchange for their consent to this order.

Recently, I had the opportunity to work alongside Margaret Teahan, a partner in the law firm of Ethridge, Quinn, Kemp, Rowan & Hartinger in the resolution of the case of the *State of Maryland v. Brandon Trask*. Over the years, Ms. Teahan and I have worked across the table from one another in my role as a prosecutor and hers as a defense attorney. However, in this case, Ms. Teahan represented the victim. Ms. Trask was a victim of sexual assault and domestic violence case at the hands of her husband. Ms. Trask, like so many of my victims, sought assurances that she would be protected by the justice system after the Defendant's inevitable release from incarceration and expiration of probation. The Defendant agreed to consent to a permanent protective order as part of the plea agreement in this case. Despite this agreement, Ms. Trask may still not receive a permanent protective order, due to the sentence structure in this case and the limitations on relief set forth by the current statute. On behalf of her client, Ms. Teahan championed bringing the issue of consent to permanent protective orders to the Frederick County State's Attorney's Office, and we stand firmly beside her in support of this legislation.

We would urge the committee to give SB 721 a favorable report.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin Pearl". The signature is written in a cursive style with a large initial "E" and a long horizontal stroke.

Erin Pearl

Assistant State's Attorney, Special Victim's Unit, Frederick County State's Attorney's Office
epearl@statesattorney.us

SB721

Uploaded by: Laure Ruth

Position: FAV



BILL NO: Senate Bill 739
TITLE: Domestic Violence – Warrantless Arrests and Victims
COMMITTEE: Judicial Proceedings
HEARING DATE: February 26, 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 COMMITTEE to report favorably on SB 739.**

Senate Bill 739 is a modest addition to an existing law that allows for warrantless arrest in certain circumstances. Under SB 739, a person who had a sexual relationship with their victim in the past 12 months would be added on whom law enforcement would be allowed to conduct a warrantless arrest. Such an expansion makes sense as the reality is that not all intimate partner violence or sexual offenses are between only spouses or people who reside together, as the current law contemplates. SB739 would not alter the other limits of the law, including that there must be evidence of physical injury; a report to police was made within 48 hours; and there is a risk that the alleged perpetrator will flee, cause injury or property damage, or spoliage evidence. It is a modest expansion of arrest authority that may increase community safety, although we do note that anecdotally, this action is seldom taken by law enforcement due to the constraints listed above.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on SB 739.**

SB721sponsorfinaltestimony.pdf

Uploaded by: Linda Hanifin Bonner

Position: FAV

SHANEKA HENSON
Legislative District 30
Anne Arundel County

Judicial Proceedings Committee

Joint Committee on Children,
Youth, and Families



James Senate Office Building
11 Bladen Street, Room 203
Annapolis, Maryland 21401
410-841-3578
800-492-7122 Ext. 3578
Shaneka.Henson@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SPONSOR TESTIMONY
Senate Bill 721
Family Law - Protective Orders - Consent

Chairman Smith and Committee Members

Thank you for the opportunity to introduce Senate Bill SB721 Family Law - Protective Orders - Consent

For the record, I am Senator Shaneka Henson from the 30th Legislative District of Anne Arundel County, MD.

Overall, this intent of this bill is to alter the statutory provisions that govern the issuance of a permanent protective order by specifying that an individual may consent to the issuance of such an order.

SB721 sets in place the ability to issue a permanent protective order based on the respondent's consent. It allows for a permanent protective order to be entered into if the respondent is agreeable, simplifying this process for survivors.

This bill benefits everyone. It prioritizes the safety of survivors by removing the hurdle of survivors having to return to court once the respondent has served a sentence for 12 months and altogether simplifies the process by allowing a permanent order of protection when the respondent is agreeable.

A permanent protective order keeps in place the "stay away" and "no contact" portions of the final protective order. Easier access to permanent protection orders allows survivors to move forward with their lives feeling safe and secure without the fear of their abusers returning to contact them.

In conclusion, I respectfully request a favorable report for SB721 – Family Law – Permanent Protective Orders – Consent. This legislation represents a crucial step in providing survivors with more options to ensure safety and protection. Thank you for your time and consideration.

PO - perm - consent to order - testimony - senate

Uploaded by: Lisae C Jordan

Position: FAV



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
www.mcasa.org

For more information contact:
Lisae C. Jordan, Esquire
443-995-5544

Testimony Supporting Senate Bill 721
Lisae C. Jordan, Executive Director & Counsel
March 4, 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 which provides direct legal services for survivors across the State of Maryland. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 721.

Senate Bill 721 – Consent to Permanent Protective Order

This bill would allow the Court to issue a permanent protective order based on the respondent's consent.

Currently, in order to get a permanent protection order against a respondent, the respondent has to have been convicted and sentenced to serve a term of imprisonment of at least 5 years for the act of abuse that led to the issuance of the interim, temporary, or final protective order and the individual must have served at least 12 months of the sentence, or, during the term of an interim, temporary, or final protective order, the respondent must have committed an act of abuse against the person eligible for relief; and the individual was convicted and sentenced to serve a term of imprisonment of at least 5 years for the act and must have served at least 12 months of the sentence. Senate Bill 721 would allow a permanent order of protection to be entered if agreed upon by the respondent.

Senate Bill 721 would provide greater flexibility to ensure protection of survivors and make the system more supportive of their needs. Some survivors of sex offenses are most concerned about the perpetrator staying away from them and less concerned about the length of the sentence. Additionally, the current law's requirement that the defendant have served at least 12 months of a sentence before a permanent order can be issued is particularly burdensome because it requires the survivor to return to court after a year.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
report favorably on Senate Bill 721**

SB 721 Consent Senator Henson.pdf

Uploaded by: Margaret Teahan

Position: FAV

February 18, 2025

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

Re: Senate Bill 721- Family Law – Permanent Protective Orders – Consent

Dear Chairman Smith, Vice Chair Waldstreicher and members of the committee,

I write to support Senate Bill 721, which would add “consent” as a ground for a judge in Maryland to enter a Permanent Protective Order under the Family Law article.

I am an attorney and a partner in the law firm of Ethridge, Quinn, Kemp, Rowan & Hartinger. I have been a trial attorney in the State of Maryland for over 30 years. I practice primarily criminal defense and family law. However, I also occasionally represent victims in cases, generally those involving child abuse or sexual assault. In 2024, I represented the victim in the case of the *State of Maryland v. Brandon Trask*, which was pending in the Frederick County Circuit Court. My client was the wife of Mr. Trask.

As the victim’s attorney in that matter, I worked closely with the Frederick County State’s Attorney’s office to ensure that a resolution was reached that represented the interests of my client. The facts alleged against the defendant were horrific. Mr. Trask eventually entered a plea of guilty to first degree assault, a felony, and a sentence that contemplated a period of incarceration to be followed by 5 years of probation.

At the time the criminal charges were pending against Mr. Trask, my client had filed and received a final protective order against Mr. Trask. With the assistance of Assistant State’s Attorney Erin Pearl, I advocated for my client to receive a permanent protective order as part of the plea agreement. The defendant agreed to this term. However, as Md. Annotated Code, Family Law § 4-506 is currently written, my client has to wait until Mr. Trask has ‘served at least 12 months of the sentence’ in order for her to petition for relief. This is a confusing deadline because although Mr. Trask has been in custody since May 3, 2024, he waived pre-trial credits as part of his plea agreement. As such, I have to time this very specifically because the protective order is non-modifiable once it has expired.

Currently, Md. Annotated Code, Family Law § 4-506 does not provide “consent” as one of the grounds for a petitioner to receive a permanent protective order. SB 721 would correct this and allow victims to negotiate for permanent protective orders. I would urge the committee to give SB 721 a favorable report.

Sincerely,



Margaret A. Teahan
mat@eqlawyers.com
443 386 1817

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Uploaded by: Margaret Teahan

Position: FAV

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2 East Miller Senate Office Building
Annapolis, Maryland 21401

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Margaret A. Teahan
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