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The Honorable Luke Clippinger & Members of the House Judiciary Committee  
Taylor House Office Building, Room 101  
6 Bladen St., Annapolis, MD 21401

Dear Chairperson Clippinger and Judiciary Committee Members:

On behalf of the Frederick County State's Attorney's Office and the Maryland State's Attorney's Association, I write in support of House Bill: 929 Family Law—Permanent Protective Orders—Consent. I am the Chief of the Domestic Violence Unit for the Frederick County State's Attorney's Office and have worked with hundreds of domestic violence victims over a 13-year career.

The Legislature's creation of a permanent protective order mechanism in 2018 was a watershed legislative moment for victims of domestic violence. Prior to the enactment, victims could only obtain a 1-year protective order, with the opportunity to request a two-year extension, regardless of the level of violence they were subjected to or the danger presented by their abuser. The reality is that many victims of severe domestic violence remain in danger for their entire lifetime.

Currently, the Family Law Article allows judges to grant final protective orders and extensions after making certain findings, *or with the consent* of the Respondent. The same is not true for permanent protective orders under 4-506(k). The only way a permanent protective order can be granted is if prosecutors are able to secure a conviction and a term of imprisonment of at least 5 years, and not until after the Respondent has actively served 1 year.

This is a high hurdle for prosecutors and the victims they serve. Defendants do not typically want to serve any jail or prison time. Therefore, they may exercise their absolute right to a trial before pleading guilty to a 5-year sentencing recommendation. The same Defendant, however, may be more than willing to consent to a permanent protective order—either in lieu of a criminal charge or in exchange for a lesser sentencing recommendation. That is not currently an option for defense attorneys and prosecutors in their negotiations, but would be a benefit to both parties.

Trials are hard on victims. Victims who do testify against their abuser, often do so at great risk. Many victims want a permanent protective order, but dread having to relive their trauma by testifying at a criminal trial, and prefer that the State offer a plea agreement. Other victims do not wish to see their abuser incarcerated for a lengthy period but feel that a permanent protective order would adequately ensure their safety. A consent option would be consistent with the rest of the protective order statute and would allow for additional choices for both Victim/Petitioner and Defendant/Respondent alike. We urge a favorable report of House Bill 929.

Chief, Domestic Violence Unit, Frederick County State's Attorney's Office