

HOUSE BILL 248

D4, D3
HB 122/19 – JUD

0lr1354
CF SB 210

By: **Delegates Atterbeary, Bartlett, Conaway, Crutchfield, D.M. Davis, Dumais,
W. Fisher, J. Lewis, Lopez, Moon, Shetty, and Williams**

Introduced and read first time: January 17, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Protective Orders – Relief Eligibility – Rape and Sexual Offenses**

3 FOR the purpose of removing rape and certain sexual offenses from the list of offenses
4 alleged to have been committed by a certain respondent against a certain victim for
5 which a peace order petition may be filed under certain circumstances; altering the
6 definition of “person eligible for relief” for purposes of certain provisions of law
7 relating to domestic violence protective orders to include an individual who alleges
8 the commission of certain acts against the individual by a certain respondent; and
9 generally relating to peace orders and protective orders.

10 BY repealing and reenacting, with amendments,
11 Article – Courts and Judicial Proceedings
12 Section 3–1503(a)
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2019 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Family Law
17 Section 4–501(a)
18 Annotated Code of Maryland
19 (2019 Replacement Volume)

20 BY repealing and reenacting, with amendments,
21 Article – Family Law
22 Section 4–501(m)
23 Annotated Code of Maryland
24 (2019 Replacement Volume)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
26 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Courts and Judicial Proceedings

1
2 3–1503.

3 (a) (1) A petitioner may seek relief under this subtitle by filing with the court,
4 or with a commissioner under the circumstances specified in § 3–1503.1(a) of this subtitle,
5 a petition that alleges the commission of any of the following acts against the petitioner by
6 the respondent, if the act occurred within 30 days before the filing of the petition:

7 (i) An act that causes serious bodily harm;

8 (ii) An act that places the petitioner in fear of imminent serious
9 bodily harm;

10 (iii) Assault in any degree;

11 [(iv) Rape or sexual offense under § 3–303, § 3–304, § 3–307, or §
12 3–308 of the Criminal Law Article or attempted rape or sexual offense in any degree;]

13 [(v)] (IV) False imprisonment;

14 [(vi)] (V) Harassment under § 3–803 of the Criminal Law Article;

15 [(vii)] (VI) Stalking under § 3–802 of the Criminal Law Article;

16 [(viii)] (VII) Trespass under Title 6, Subtitle 4 of the Criminal Law
17 Article;

18 [(ix)] (VIII) Malicious destruction of property under § 6–301 of the
19 Criminal Law Article;

20 [(x)] (IX) Misuse of telephone facilities and equipment under
21 § 3–804 of the Criminal Law Article;

22 [(xi)] (X) Misuse of electronic communication or interactive
23 computer service under § 3–805 of the Criminal Law Article;

24 [(xii)] (XI) Revenge porn under § 3–809 of the Criminal Law Article;
25 or

26 [(xiii)] (XII) Visual surveillance under § 3–901, § 3–902, or § 3–903 of
27 the Criminal Law Article.

28 (2) A petition may be filed under this subtitle if:

1 (i) The act described in paragraph (1) of this subsection is alleged to
2 have occurred in the State; or

3 (ii) The petitioner is a resident of the State, regardless of whether
4 the act described in paragraph (1) of this subsection is alleged to have occurred in the State.

5 Article – Family Law

6 4–501.

7 (a) In this subtitle the following words have the meanings indicated.

8 (m) “Person eligible for relief” includes:

9 (1) the current or former spouse of the respondent;

10 (2) a cohabitant of the respondent;

11 (3) a person related to the respondent by blood, marriage, or adoption;

12 (4) a parent, stepparent, child, or stepchild of the respondent or the person
13 eligible for relief who resides or resided with the respondent or person eligible for relief for
14 at least 90 days within 1 year before the filing of the petition;

15 (5) a vulnerable adult;

16 (6) an individual who has a child in common with the respondent; [or]

17 (7) an individual who has had a sexual relationship with the respondent
18 within 1 year before the filing of the petition; **OR**

19 **(8) AN INDIVIDUAL WHO ALLEGES THAT THE RESPONDENT**
20 **COMMITTED, WITHIN 1 YEAR BEFORE THE FILING OF THE PETITION, ANY OF THE**
21 **FOLLOWING ACTS AGAINST THE INDIVIDUAL:**

22 **(I) RAPE OR A SEXUAL OFFENSE UNDER § 3–303, § 3–304, §**
23 **3–307, OR § 3–308 OF THE CRIMINAL LAW ARTICLE; OR**

24 **(II) ATTEMPTED RAPE OR SEXUAL OFFENSE IN ANY DEGREE.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2020.