HOUSE BILL 1352

D4, D3 HB 850/19 – JUD

By: Delegates McComas, Acevero, Chisholm, Corderman, Grammer, Hornberger, Kipke, Krebs, and Shoemaker

Introduced and read first time: February 7, 2020

Assigned to: Judiciary

AN ACT concerning

24

A BILL ENTITLED

2	Peace Orders and Protective Orders - Coercive Control			
3	FOR the purpose of authorizing a certain person to petition for a peace order or protective			
4	order against another person whom the petitioner alleges has engaged in certain			
5	behavior toward the petitioner that is controlling or coercive; defining certain terms;			
6	and generally relating to peace orders and protective orders and coercive control.			
7	BY repealing and reenacting, with amendments,			
8	Article – Courts and Judicial Proceedings			
9	Section 3–1501 and 3–1503(a)			
10	Annotated Code of Maryland			
11	(2013 Replacement Volume and 2019 Supplement)			
12	BY repealing and reenacting, with amendments,			
13	Article – Family Law			
14	Section 4–501(b)			
15	Annotated Code of Maryland			
16	(2019 Replacement Volume)			
17	BY repealing and reenacting, without amendments,			
18	Article – Family Law			
19	Section 4–504			
20	Annotated Code of Maryland			
21	(2019 Replacement Volume)			
22	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,			
23	That the Laws of Maryland read as follows:			

Article - Courts and Judicial Proceedings

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



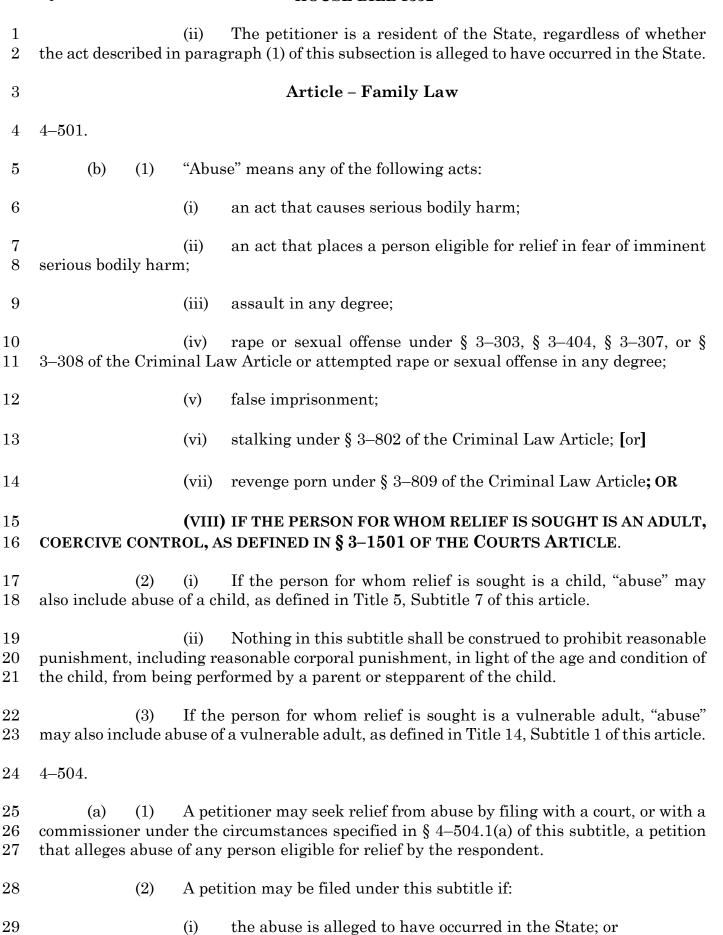
- 1 3–1501.
- 2 (a) In this subtitle the following words have the meanings indicated.
- 3 (B) "COERCIVE CONTROL" MEANS REPEATED OR CONTINUOUS BEHAVIOR 4 TOWARD AN ADULT INDIVIDUAL THAT:
- 5 (1) IS CONTROLLING OR COERCIVE;
- 6 (2) HAS A SERIOUS EFFECT ON THE OTHER INDIVIDUAL; AND
- 7 (3) THE INDIVIDUAL WHO ENGAGES IN THE BEHAVIOR KNOWS OR 8 REASONABLY SHOULD KNOW THAT THE BEHAVIOR WILL HAVE A SERIOUS EFFECT 9 ON THE OTHER INDIVIDUAL.
- 10 **[(b)] (C)** "Commissioner" means a district court commissioner appointed in accordance with Article IV, § 41G of the Maryland Constitution.
- 12 **[(c)] (D)** "Court" means the District Court of Maryland.
- 13 **[(d)] (E)** "Final peace order" means a peace order issued by a judge under § 14 3–1505 of this subtitle.
- 15 **[(e)] (F)** "Interim peace order" means an order that a commissioner issues under 16 this subtitle pending a hearing by a judge on a petition.
- 17 **[(f)] (G)** "Petitioner" means an individual who files a petition under § 3–1503 of 18 this subtitle.
- 19 **[(g)] (H)** "Residence" includes the yard, grounds, outbuildings, and common 20 areas surrounding the residence.
- [(h)] (I) "Respondent" means an individual alleged in a petition to have committed an act specified in § 3–1503(a) of this subtitle against a petitioner.
- 23 (J) "SERIOUS EFFECT" MEANS:
- 24 (1) FEAR, ON AT LEAST TWO OCCASIONS, THAT VIOLENCE WILL BE 25 USED AGAINST THE INDIVIDUAL; OR
- 26 (2) ALARM OR DISTRESS THAT HAS A SUBSTANTIAL ADVERSE EFFECT ON THE INDIVIDUAL'S USUAL DAY-TO-DAY ACTIVITIES.
- [(i)] (K) "Temporary peace order" means a peace order issued by a judge under \$3-1504 of this subtitle.

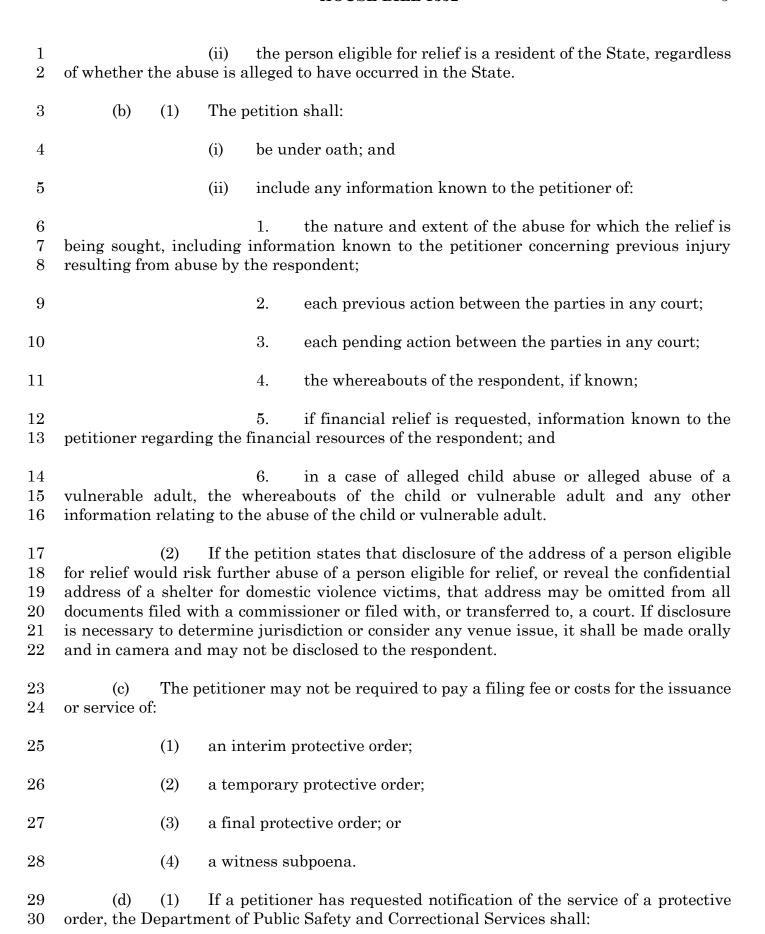
1	3–1503.			
2 3 4 5	(a) (1) A petitioner may seek relief under this subtitle by filing with the court, or with a commissioner under the circumstances specified in § 3–1503.1(a) of this subtitle, a petition that alleges the commission of any of the following acts against the petitioner by the respondent, if the act occurred within 30 days before the filing of the petition:			
6		(i)	An act that causes serious bodily harm;	
7 8	bodily harm;	(ii)	An act that places the petitioner in fear of imminent serious	
9		(iii)	Assault in any degree;	
10	(iv) Rape or sexual offense under § 3–303, § 3–304, § 3–307, or § 3–308 of the Criminal Law Article or attempted rape or sexual offense in any degree;			
2		(v)	False imprisonment;	
13		(vi)	Harassment under § 3–803 of the Criminal Law Article;	
4		(vii)	Stalking under § 3–802 of the Criminal Law Article;	
5		(viii)	Trespass under Title 6, Subtitle 4 of the Criminal Law Article;	
16 17	Law Article;	(ix)	Malicious destruction of property under § 6–301 of the Criminal	
18	(x) Misuse of telephone facilities and equipment under § 3–804 of the Criminal Law Article;			
20 21	service under § 3–	(xi) 805 of t	Misuse of electronic communication or interactive computer the Criminal Law Article;	
22		(xii)	Revenge porn under § 3–809 of the Criminal Law Article; [or]	
23 24	Criminal Law Arti	` '	Visual surveillance under § 3–901, § 3–902, or § 3–903 of the	
25		(XIV)	COERCIVE CONTROL.	
26	(2)	A peti	ition may be filed under this subtitle if:	
27		(i)	The act described in paragraph (1) of this subsection is alleged to	

have occurred in the State; or

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(i)





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- 1 (i) notify the petitioner of the service on the respondent of an 2 interim or a temporary protective order within one hour after a law enforcement officer 3 electronically notifies the Department of Public Safety and Correctional Services of the service; and
- 5 (ii) notify the petitioner of the service on the respondent of a final 6 protective order within one hour after knowledge of service of the order on the respondent.
- 7 (2) The Department of Public Safety and Correctional Services shall 8 develop a notification request form and procedures for notification under this subsection.
- 9 (3) The court clerk or Commissioner shall provide the notification request 10 form to a petitioner.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.