

HOUSE BILL 1352

D4, D3
HB 850/19 – JUD

0lr3131

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

Introduced and read first time: February 7, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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:

24 **Article – Courts and Judicial Proceedings**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



3–1501.

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

(B) “COERCIVE CONTROL” MEANS REPEATED OR CONTINUOUS BEHAVIOR TOWARD AN ADULT INDIVIDUAL THAT:

(1) IS CONTROLLING OR COERCIVE;

(2) HAS A SERIOUS EFFECT ON THE OTHER INDIVIDUAL; AND

(3) THE INDIVIDUAL WHO ENGAGES IN THE BEHAVIOR KNOWS OR REASONABLY SHOULD KNOW THAT THE BEHAVIOR WILL HAVE A SERIOUS EFFECT ON THE OTHER INDIVIDUAL.

[(b)] (C) “Commissioner” means a district court commissioner appointed in accordance with Article IV, § 41G of the Maryland Constitution.

[(c)] (D) “Court” means the District Court of Maryland.

[(d)] (E) “Final peace order” means a peace order issued by a judge under § 3–1505 of this subtitle.

[(e)] (F) “Interim peace order” means an order that a commissioner issues under this subtitle pending a hearing by a judge on a petition.

[(f)] (G) “Petitioner” means an individual who files a petition under § 3–1503 of this subtitle.

[(g)] (H) “Residence” includes the yard, grounds, outbuildings, and common 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.

(J) “SERIOUS EFFECT” MEANS:

(1) FEAR, ON AT LEAST TWO OCCASIONS, THAT VIOLENCE WILL BE USED AGAINST THE INDIVIDUAL; OR

(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.

3–1503.

(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:

(i) An act that causes serious bodily harm;

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

(iii) Assault in any degree;

(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;

(v) False imprisonment;

(vi) Harassment under § 3–803 of the Criminal Law Article;

(vii) Stalking under § 3–802 of the Criminal Law Article;

(viii) Trespass under Title 6, Subtitle 4 of the Criminal Law Article;

(ix) Malicious destruction of property under § 6–301 of the Criminal Law Article;

(x) Misuse of telephone facilities and equipment under § 3–804 of the Criminal Law Article;

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

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

(xiii) Visual surveillance under § 3–901, § 3–902, or § 3–903 of the Criminal Law Article; OR

(XIV) COERCIVE CONTROL.

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

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

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

Article – Family Law

4–501.

(b) (1) “Abuse” means any of the following acts:

(i) an act that causes serious bodily harm;

(ii) an act that places a person eligible for relief in fear of imminent serious bodily harm;

(iii) assault in any degree;

(iv) rape or sexual offense under § 3–303, § 3–404, § 3–307, or § 3–308 of the Criminal Law Article or attempted rape or sexual offense in any degree;

(v) false imprisonment;

(vi) stalking under § 3–802 of the Criminal Law Article; [or]

(vii) revenge porn under § 3–809 of the Criminal Law Article; **OR**

(VIII) IF THE PERSON FOR WHOM RELIEF IS SOUGHT IS AN ADULT, COERCIVE CONTROL, AS DEFINED IN § 3–1501 OF THE COURTS ARTICLE.

(2) (i) If the person for whom relief is sought is a child, “abuse” may also include abuse of a child, as defined in Title 5, Subtitle 7 of this article.

(ii) Nothing in this subtitle shall be construed to prohibit reasonable punishment, including reasonable corporal punishment, in light of the age and condition of the child, from being performed by a parent or stepparent of the child.

(3) If the person for whom relief is sought is a vulnerable adult, “abuse” may also include abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this article.

4–504.

(a) (1) A petitioner may seek relief from abuse by filing with a court, or with a commissioner under the circumstances specified in § 4–504.1(a) of this subtitle, a petition that alleges abuse of any person eligible for relief by the respondent.

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

(i) the abuse is alleged to have occurred in the State; or

1 (ii) the person eligible for relief is a resident of the State, regardless
2 of whether the abuse is alleged to have occurred in the State.

3 (b) (1) The petition shall:

4 (i) be under oath; and

5 (ii) include any information known to the petitioner of:

6 1. the nature and extent of the abuse for which the relief is
7 being sought, including information known to the petitioner concerning previous injury
8 resulting from abuse by the respondent;

9 2. each previous action between the parties in any court;

10 3. each pending action between the parties in any court;

11 4. the whereabouts of the respondent, if known;

12 5. if financial relief is requested, information known to the
13 petitioner regarding the financial resources of the respondent; and

14 6. in a case of alleged child abuse or alleged abuse of a
15 vulnerable adult, the whereabouts of the child or vulnerable adult and any other
16 information relating to the abuse of the child or vulnerable adult.

17 (2) If the petition states that disclosure of the address of a person eligible
18 for relief would risk further abuse of a person eligible for relief, or reveal the confidential
19 address of a shelter for domestic violence victims, that address may be omitted from all
20 documents filed with a commissioner or filed with, or transferred to, a court. If disclosure
21 is necessary to determine jurisdiction or consider any venue issue, it shall be made orally
22 and in camera and may not be disclosed to the respondent.

23 (c) The petitioner may not be required to pay a filing fee or costs for the issuance
24 or service of:

25 (1) an interim protective order;

26 (2) a temporary protective order;

27 (3) a final protective order; or

28 (4) a witness subpoena.

29 (d) (1) If a petitioner has requested notification of the service of a protective
30 order, the Department of Public Safety and Correctional Services shall:

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
4 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.

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