

HOUSE BILL 1057

D4

7lr2118

By: **Delegates Atterbeary, Ali, Barron, Davis, Dumais, Fennell, Folden, Fraser-Hidalgo, Glass, Hettleman, Kelly, Kramer, Lierman, Lisanti, Moon, Mosby, Proctor, Rey, Sanchez, Sydnor, Turner, Valderrama, Walker, B. Wilson, and C. Wilson**

Introduced and read first time: February 8, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Domestic Violence – Permanent Final Protective Orders**

3 FOR the purpose of adding the crime of kidnapping to the list of crimes, the commission of
4 which subjects an individual to the issuance of a permanent final protective order
5 against the individual under certain circumstances; expanding the circumstances
6 under which a court is required to issue a certain permanent final protective order;
7 and generally relating to domestic violence.

8 BY repealing and reenacting, with amendments,
9 Article – Family Law
10 Section 4–506(k)
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2016 Supplement)

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

15 **Article – Family Law**

16 4–506.

17 (k) (1) Notwithstanding any other provision of this section, the court shall
18 issue a new final protective order against an individual if:

19 (i) the individual was previously a respondent under this subtitle
20 against whom a final protective order was issued;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(ii) 1. for the act of abuse that led to the issuance of the final protective order, the individual was convicted and sentenced to serve a term of imprisonment of at least 5 years under § 2-205, § 2-206, § 3-202, § 3-203, § 3-303, § 3-304, § 3-305, § 3-306, § 3-309, § 3-310, § 3-311, [or] § 3-312, **OR § 3-502** of the Criminal Law Article or for conspiracy or solicitation to commit murder and the individual has served at least 12 months of the sentence; [and] **OR**

2. DURING THE TERM OF THE FINAL PROTECTIVE ORDER, THE INDIVIDUAL WAS CONVICTED AND SENTENCED TO SERVE A TERM OF IMPRISONMENT OF AT LEAST 5 YEARS FOR A CRIME AGAINST THE VICTIM OF ABUSE UNDER § 2-205, § 2-206, § 3-202, § 3-203, § 3-303, § 3-304, § 3-305, § 3-306, § 3-309, § 3-310, § 3-311, § 3-312, OR § 3-502 OF THE CRIMINAL LAW ARTICLE OR FOR CONSPIRACY OR SOLICITATION TO COMMIT MURDER OF THE VICTIM OF ABUSE AND THE INDIVIDUAL HAS SERVED AT LEAST 12 MONTHS OF THE SENTENCE; AND

(iii) the victim of the abuse who was the person eligible for relief in the original final protective order requests the issuance of a new final protective order.

(2) In a final protective order issued under this subsection, the court may grant only the relief that was granted in the original protective order under subsection (d)(1) or (2) of this section.

(3) Unless terminated at the request of the victim, a final protective order issued under this subsection shall be permanent.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.