

HOUSE BILL 224

D4

5lr1149
CF SB 315

By: **Delegates Dumais, Anderson, Moon, Morales, and Smith**

Introduced and read first time: February 2, 2015

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2015

CHAPTER _____

1 AN ACT concerning

2 **Domestic Violence – 2-Year Protective Order**

3 FOR the purpose of specifying that a court may issue a final protective order for a period
4 not to exceed 2 years by consent of the respondent under certain circumstances;
5 authorizing a judge, under certain circumstances, to extend the term of a protective
6 order for a certain period of time if the respondent named in the protective order
7 consents to the extension; making a conforming change; and generally relating to
8 domestic violence.

9 BY repealing and reenacting, with amendments,
10 Article – Family Law
11 Section 4–506(j) and 4–507(a)(3)
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2014 Supplement)

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

16 **Article – Family Law**

17 4–506.

18 (j) (1) Except as provided in paragraphs (2) and (3) of this subsection, all relief
19 granted in a final protective order shall be effective for the period stated in the order, not
20 to exceed 1 year.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2) All relief granted in a final protective order shall be effective for the
2 period stated in the order, not to exceed 2 years if:

3 (i) the court issues a final protective order under this section against
4 a respondent on behalf of a person eligible for relief:

5 1. for an act of abuse committed within 1 year after the date
6 that a prior final protective order issued against the same respondent on behalf of the same
7 person eligible for relief expires; **OR**

8 2. **BY CONSENT OF THE RESPONDENT WITHIN 1 YEAR**
9 **AFTER THE DATE THAT A PRIOR FINAL PROTECTIVE ORDER ISSUED AGAINST THE**
10 **SAME RESPONDENT ON BEHALF OF THE SAME PERSON ELIGIBLE FOR RELIEF**
11 **EXPIRES; and**

12 (ii) the prior final protective order was issued for a period of at least
13 6 months.

14 (3) A subsequent circuit court order pertaining to any of the provisions
15 included in the final protective order shall supersede those provisions in the final protective
16 order.

17 4-507.

18 (a) (3) (i) **[If.] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,**
19 **A JUDGE MAY EXTEND THE TERM OF A PROTECTIVE ORDER FOR A PERIOD NOT TO**
20 **EXCEED 2 YEARS FROM THE DATE THE EXTENSION IS GRANTED IF:**

21 1. during the term of [a] THE protective order, [a] THE judge
22 finds by a preponderance of the evidence that the respondent named in the protective order
23 has committed a subsequent act of abuse against a person eligible for relief named in the
24 protective [order.] ORDER; OR

25 2. **THE RESPONDENT NAMED IN THE PROTECTIVE**
26 **ORDER CONSENTS TO THE EXTENSION OF THE PROTECTIVE ORDER.**

27 (II) [the] THE judge may extend the term of the protective order [for
28 a period not to exceed 2 years from the date the extension is granted.] UNDER
29 **SUBPARAGRAPH (I) OF THIS PARAGRAPH after:**

30 1. giving notice to all affected persons eligible for relief and
31 the respondent; and

32 2. a hearing.

1 [(ii)] (III) In determining the period of extension of a protective order
2 under subparagraph [(i)](I)1 of this paragraph, the judge shall consider the following
3 factors:

- 4 1. the nature and severity of the subsequent act of abuse;
5 2. the history and severity of abuse in the relationship
6 between the respondent and any person eligible for relief named in the protective order;
7 3. the pendency and type of criminal charges against the
8 respondent; and
9 4. the nature and extent of the injury or risk of injury caused
10 by the respondent.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.