

HOUSE BILL 397

D3, D4

4lr1507

By: **Delegates Simmons, Dumais, Carter, Anderson, Arora, Conaway, Glass, K. Kelly, McComas, McDermott, Rosenberg, Smigiel, Valderrama, Valentino-Smith, Vallario, Vitale, ~~and Waldstreicher~~ Waldstreicher, and Costa**

Introduced and read first time: January 23, 2014

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2014

CHAPTER _____

1 AN ACT concerning

2 **Peace Orders and Protective Orders – Consent Orders – Shielding**

3 FOR the purpose of authorizing a petitioner to file a written request to shield court
4 records relating to a peace order or protective order proceeding under certain
5 circumstances; authorizing a ~~respondent who consents to the entry of a peace~~
6 ~~order or protective order to file a written request to shield~~ petitioner or a
7 respondent to file a written request to shield court records relating to ~~the a~~
8 peace order or protective order proceeding if the respondent consented to the
9 entry of the peace order or protective order under certain circumstances;
10 altering the circumstances under which a court is required to order the
11 shielding of all court records relating to a peace order or protective order
12 proceeding if a certain petition was denied or dismissed; authorizing a
13 respondent to refile a written request to shield court records relating to a peace
14 order or protective order proceeding under certain circumstances; requiring the
15 court, under certain circumstances, to order the shielding of all court records
16 relating to a peace order or protective order proceeding if the respondent
17 ~~consents~~ consented to the entry of the peace order or protective order;
18 authorizing the court, under certain circumstances, to deny a request to shield
19 court records relating to a peace order or protective order proceeding for good
20 cause; requiring the court, in ruling on a certain motion for access to a shielded
21 record, to balance the person's need for access with the petitioner's right to
22 privacy and the potential harm of certain adverse consequences to the petitioner

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 that the disclosure may create; authorizing the Governor's Office of Crime
2 Control and Prevention, in consultation with the Maryland Judiciary, to adopt
3 certain regulations; altering a certain definition; making certain clarifying and
4 conforming changes; and generally relating to the shielding of certain peace
5 order and protective order records.

6 BY repealing and reenacting, with amendments,
7 Article – Courts and Judicial Proceedings
8 Section 3–1510
9 Annotated Code of Maryland
10 (2013 Replacement Volume and 2013 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Family Law
13 Section 4–512
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2013 Supplement)

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

18 **Article – Courts and Judicial Proceedings**

19 3–1510.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) (i) “Court record” means an official record of a court about a
22 proceeding that the clerk of a court or other court personnel keeps.

23 (ii) “Court record” includes:

24 1. An index, a docket entry, a petition, a memorandum,
25 a transcription of proceedings, an electronic recording, an order, and a judgment; and

26 2. Any electronic information about a proceeding on the
27 Web site maintained by the Maryland Judiciary.

28 (3) “Shield” means to remove information from public inspection in
29 accordance with this section.

30 (4) “Shielding” means:

31 (i) With respect to a record kept in a courthouse, removing the
32 record to a separate secure area to which persons who do not have a legitimate reason
33 for access are denied access; and

1 (ii) With respect to electronic information about a proceeding on
 2 the Web site maintained by the Maryland Judiciary, completely removing all
 3 information concerning the proceeding from the public Web site, including the names
 4 of the parties, case numbers, and any reference to the proceeding or any reference to
 5 the removal of the proceeding from the public Web site.

6 (5) "Victim services provider" means a nonprofit OR GOVERNMENTAL
 7 organization that has been authorized by the Governor's Office of Crime Control and
 8 Prevention ~~or the Department of Human Resources~~ to have ONLINE access to records
 9 of shielded peace orders in order to assist victims of abuse.

10 (b) ~~If a petition filed under this subtitle is denied or dismissed at the~~
 11 ~~interim, temporary, or final peace order stage of a proceeding under this subtitle, the]~~
 12 ~~A respondent may file a written request to shield all court records relating to [the~~
 13 ~~proceeding]~~ **A PETITION FILED UNDER THIS SUBTITLE IF:**

14 ~~(1) THE PETITION IS DENIED OR DISMISSED AT THE INTERIM,~~
 15 ~~TEMPORARY, OR FINAL PEACE ORDER STAGE OF THE PROCEEDING UNDER THIS~~
 16 ~~SUBTITLE; OR~~

17 ~~(2) THE RESPONDENT CONSENTS TO THE ENTRY OF THE PEACE~~
 18 ~~ORDER~~

19 **(1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF A PETITION**
 20 **FILED UNDER THIS SUBTITLE WAS DENIED OR DISMISSED AT THE INTERIM,**
 21 **TEMPORARY, OR FINAL PEACE ORDER STAGE OF A PROCEEDING UNDER THIS**
 22 **SUBTITLE, THE PETITIONER OR THE RESPONDENT MAY FILE A WRITTEN**
 23 **REQUEST TO SHIELD ALL COURT RECORDS RELATING TO THE PROCEEDING IN**
 24 **ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.**

25 **(2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF THE**
 26 **RESPONDENT CONSENTED TO THE ENTRY OF A PEACE ORDER UNDER THIS**
 27 **SUBTITLE, THE PETITIONER OR THE RESPONDENT MAY FILE A WRITTEN**
 28 **REQUEST TO SHIELD ALL COURT RECORDS RELATING TO THE PROCEEDING IN**
 29 **ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION.**

30 (c) A request for shielding under this section may not be filed within 3 years
 31 after the denial or dismissal of the petition **OR THE CONSENT TO THE ENTRY OF**
 32 **THE PEACE ORDER** unless the ~~respondent~~ **REQUESTING PARTY** files with the
 33 request a general waiver and release of all the ~~respondent's~~ **PARTY'S** tort claims
 34 related to the proceeding under this subtitle.

35 (d) (1) ~~On~~ **IF A PETITION WAS DENIED OR DISMISSED AT THE**
 36 **INTERIM, TEMPORARY, OR FINAL PEACE ORDER STAGE OF A PROCEEDING**

1 UNDER THIS SUBTITLE, ON the filing of a WRITTEN request for shielding under this
2 section, the court shall schedule a hearing on the request.

3 (2) The court shall give notice of the hearing to the ~~petitioner~~ OTHER
4 PARTY or the ~~petitioner's~~ OTHER PARTY'S counsel of record.

5 (3) Except as provided in paragraphs (4) and (5) of this subsection,
6 after the hearing, the court shall order the shielding of all court records relating to the
7 proceeding if the court finds:

8 (i) ~~1.~~ That the petition was denied or dismissed at the
9 interim, temporary, or final peace order stage of the proceeding; ~~OR~~

10 ~~2. THAT THE RESPONDENT CONSENTED TO THE~~
11 ~~ENTRY OF THE PEACE ORDER;~~

12 (ii) That a final peace order or protective order has not been
13 previously issued against the respondent in a proceeding between the petitioner and
14 the respondent; ~~and~~

15 (iii) THAT THE RESPONDENT HAS NOT BEEN FOUND GUILTY
16 OF A CRIME ARISING FROM AN ACT DESCRIBED IN § 3-1503(A) OF THIS
17 SUBTITLE AGAINST THE PETITIONER; AND

18 ~~(iii)~~ (iv) That none of the following are pending at the time of
19 the hearing:

20 1. An interim or temporary peace order or protective
21 order issued against the respondent in a proceeding between the petitioner and the
22 respondent; or

23 2. A criminal charge against the respondent arising from
24 an alleged act described in § 3-1503(a) of this subtitle against the petitioner.

25 (4) (i) ~~If the petitioner appears at the shielding hearing and objects~~
26 ~~to the shielding~~ ON ITS OWN MOTION OR ON THE OBJECTION OF THE OTHER
27 PARTY, the court may, for good cause, deny the shielding.

28 (ii) In determining whether there is good cause ~~to grant the~~
29 ~~request to shield court records~~ UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH,
30 the court shall balance the privacy of the PETITIONER OR THE respondent and
31 potential danger of adverse consequences to the PETITIONER OR THE respondent
32 against the potential risk of future harm and danger to the petitioner and the
33 community.

1 (5) Information about the proceeding may not be removed from the
2 Domestic Violence Central Repository.

3 **(E) (1) (i) IF THE RESPONDENT CONSENTED TO THE ENTRY OF A**
4 **PEACE ORDER UNDER THIS SUBTITLE, THE PETITIONER OR THE RESPONDENT**
5 **MAY FILE A WRITTEN REQUEST FOR SHIELDING AT ANY TIME AFTER THE PEACE**
6 **ORDER EXPIRES.**

7 **(ii) ON THE FILING OF A REQUEST FOR SHIELDING UNDER**
8 **THIS PARAGRAPH, THE COURT SHALL SCHEDULE A HEARING ON THE REQUEST.**

9 **(iii) THE COURT SHALL GIVE NOTICE OF THE HEARING TO**
10 **THE OTHER PARTY OR THE OTHER PARTY'S COUNSEL OF RECORD.**

11 **(iv) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (v) AND (vi)**
12 **OF THIS PARAGRAPH, AFTER THE HEARING, THE COURT SHALL ORDER THE**
13 **SHIELDING OF ALL COURT RECORDS RELATING TO THE PROCEEDING IF THE**
14 **COURT FINDS:**

15 **1. FOR CASES IN WHICH THE RESPONDENT**
16 **REQUESTS SHIELDING, THAT THE PETITIONER CONSENTS TO THE SHIELDING;**

17 **2. THAT THE RESPONDENT DID NOT VIOLATE THE**
18 **PEACE ORDER DURING ITS TERM;**

19 **3. THAT A FINAL PEACE ORDER OR PROTECTIVE**
20 **ORDER HAS NOT BEEN PREVIOUSLY ISSUED AGAINST THE RESPONDENT IN A**
21 **PROCEEDING BETWEEN THE PETITIONER AND THE RESPONDENT;**

22 **4. THAT THE RESPONDENT HAS NOT BEEN FOUND**
23 **GUILTY OF A CRIME ARISING FROM AN ACT DESCRIBED IN § 3-1503(A) OF THIS**
24 **SUBTITLE AGAINST THE PETITIONER; AND**

25 **5. THAT NONE OF THE FOLLOWING ARE PENDING AT**
26 **THE TIME OF THE HEARING:**

27 **A. AN INTERIM OR TEMPORARY PEACE ORDER OR**
28 **PROTECTIVE ORDER ISSUED AGAINST THE RESPONDENT IN A PROCEEDING**
29 **BETWEEN THE PETITIONER AND THE RESPONDENT; OR**

30 **B. A CRIMINAL CHARGE AGAINST THE RESPONDENT**
31 **ARISING FROM AN ALLEGED ACT DESCRIBED IN § 3-1503(A) OF THIS SUBTITLE**
32 **AGAINST THE PETITIONER.**

1 (v) 1. ON ITS OWN MOTION OR ON THE OBJECTION OF
2 THE OTHER PARTY, THE COURT MAY, FOR GOOD CAUSE, DENY THE REQUEST
3 FOR SHIELDING.

4 2. IN DETERMINING WHETHER THERE IS GOOD
5 CAUSE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE COURT
6 SHALL BALANCE THE PRIVACY OF THE PETITIONER OR THE RESPONDENT AND
7 POTENTIAL DANGER OF ADVERSE CONSEQUENCES TO THE PETITIONER OR THE
8 RESPONDENT AGAINST THE POTENTIAL RISK OF FUTURE HARM AND DANGER TO
9 THE PETITIONER AND THE COMMUNITY.

10 (vi) INFORMATION ABOUT THE PROCEEDING MAY NOT BE
11 REMOVED FROM THE DOMESTIC VIOLENCE CENTRAL REPOSITORY.

12 (2) (i) IF THE RESPONDENT CONSENTED TO THE ENTRY OF A
13 PEACE ORDER UNDER THIS SUBTITLE BUT THE PETITIONER DID NOT CONSENT
14 TO SHIELDING AT THE HEARING UNDER PARAGRAPH (1) OF THIS SUBSECTION,
15 THE RESPONDENT MAY REFILE A WRITTEN REQUEST FOR SHIELDING AFTER 1
16 YEAR FROM THE DATE OF THE HEARING UNDER PARAGRAPH (1) OF THIS
17 SUBSECTION.

18 (ii) ON THE FILING OF A REQUEST FOR SHIELDING UNDER
19 THIS PARAGRAPH, THE COURT SHALL SCHEDULE A HEARING ON THE REQUEST.

20 (iii) THE COURT SHALL GIVE NOTICE OF THE HEARING TO
21 THE OTHER PARTY OR THE OTHER PARTY'S COUNSEL OF RECORD.

22 (iv) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (v) AND (vi)
23 OF THIS PARAGRAPH, AFTER THE HEARING, THE COURT SHALL ORDER THE
24 SHIELDING OF ALL COURT RECORDS RELATING TO THE PROCEEDING IF THE
25 COURT FINDS:

26 1. A. THAT THE PETITIONER CONSENTS TO THE
27 SHIELDING; OR

28 B. THAT THE PETITIONER DOES NOT CONSENT TO
29 THE SHIELDING, BUT THAT IT IS UNLIKELY THAT THE RESPONDENT WILL
30 COMMIT AN ACT SPECIFIED IN § 3-1503(A) OF THIS SUBTITLE AGAINST THE
31 PETITIONER IN THE FUTURE;

32 2. THAT THE RESPONDENT DID NOT VIOLATE THE
33 PEACE ORDER DURING ITS TERM;

1 **3. THAT A FINAL PEACE ORDER OR PROTECTIVE**
2 **ORDER HAS NOT BEEN PREVIOUSLY ISSUED AGAINST THE RESPONDENT IN A**
3 **PROCEEDING BETWEEN THE PETITIONER AND THE RESPONDENT;**

4 **4. THAT THE RESPONDENT HAS NOT BEEN FOUND**
5 **GUILTY OF A CRIME ARISING FROM AN ACT DESCRIBED IN § 3-1503(A) OF THIS**
6 **SUBTITLE AGAINST THE PETITIONER; AND**

7 **5. THAT NONE OF THE FOLLOWING ARE PENDING AT**
8 **THE TIME OF THE HEARING:**

9 **A. AN INTERIM OR TEMPORARY PEACE ORDER OR**
10 **PROTECTIVE ORDER ISSUED AGAINST THE RESPONDENT IN A PROCEEDING**
11 **BETWEEN THE PETITIONER AND THE RESPONDENT; OR**

12 **B. A CRIMINAL CHARGE AGAINST THE RESPONDENT**
13 **ARISING FROM AN ALLEGED ACT DESCRIBED IN § 3-1503(A) OF THIS SUBTITLE**
14 **AGAINST THE PETITIONER.**

15 **(v) 1. ON ITS OWN MOTION OR ON THE OBJECTION OF**
16 **THE OTHER PARTY, THE COURT MAY, FOR GOOD CAUSE, DENY THE REQUEST**
17 **FOR SHIELDING.**

18 **2. IN DETERMINING WHETHER THERE IS GOOD**
19 **CAUSE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE COURT**
20 **SHALL BALANCE THE PRIVACY OF THE PETITIONER OR THE RESPONDENT AND**
21 **POTENTIAL DANGER OF ADVERSE CONSEQUENCES TO THE PETITIONER OR THE**
22 **RESPONDENT AGAINST THE POTENTIAL RISK OF FUTURE HARM AND DANGER TO**
23 **THE PETITIONER AND THE COMMUNITY.**

24 **(vi) INFORMATION ABOUT THE PROCEEDING MAY NOT BE**
25 **REMOVED FROM THE DOMESTIC VIOLENCE CENTRAL REPOSITORY.**

26 ~~(e)~~ **(F)** (1) This section does not preclude the following persons from accessing
27 a shielded record for a legitimate reason:

28 (i) A law enforcement officer;

29 (ii) An attorney who represents or has represented the
30 petitioner or the respondent in a proceeding;

31 (iii) A State's Attorney;

32 (iv) An employee of a local department of social services; or

1 (v) A victim services provider.

2 (2) (i) A person not listed in paragraph (1) of this subsection may
3 subpoena, or file a motion for access to, a record shielded under this section.

4 (ii) If the court finds that the person has a legitimate reason for
5 access, the court may grant the person access to the shielded record under the terms
6 and conditions that the court determines.

7 (iii) In ruling on a motion under this paragraph, the court shall
8 balance the person's need for access to the record with the PETITIONER'S OR THE
9 respondent's right to privacy and the potential harm of unwarranted adverse
10 consequences to the PETITIONER OR THE respondent that the disclosure may create.

11 ~~(G)~~ (G) Within 60 days after entry of an order FOR SHIELDING under
12 ~~subsection (d)(3)~~ of this section, each custodian of court records that are subject to the
13 order of shielding shall advise in writing the court and the respondent of compliance
14 with the order.

15 (H) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION,
16 IN CONSULTATION WITH THE MARYLAND JUDICIARY, MAY ADOPT REGULATIONS
17 GOVERNING ONLINE ACCESS TO SHIELDED RECORDS BY A VICTIM SERVICES
18 PROVIDER.

19 **Article – Family Law**

20 4-512.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) (i) “Court record” means an official record of a court about a
23 proceeding that the clerk of a court or other court personnel keeps.

24 (ii) “Court record” includes:

25 1. an index, a docket entry, a petition, a memorandum, a
26 transcription of proceedings, an electronic recording, an order, and a judgment; and

27 2. any electronic information about a proceeding on the
28 website maintained by the Maryland Judiciary.

29 (3) “Shield” means to remove information from public inspection in
30 accordance with this section.

31 (4) “Shielding” means:

1 (i) with respect to a record kept in a courthouse, removing the
 2 record to a separate secure area to which persons who do not have a legitimate reason
 3 for access are denied access; and

4 (ii) with respect to electronic information about a proceeding on
 5 the website maintained by the Maryland Judiciary, completely removing all
 6 information concerning the proceeding from the public Web site, including the names
 7 of the parties, case numbers, and any reference to the proceeding or any reference to
 8 the removal of the proceeding from the public Web site.

9 (5) "Victim services provider" means a nonprofit OR GOVERNMENTAL
 10 organization that has been authorized by the Governor's Office of Crime Control and
 11 Prevention ~~or the Department of Human Resources~~ to have ONLINE access to records
 12 of shielded protective orders in order to assist victims of abuse.

13 (b) ~~[If a petition filed under this subtitle is denied or dismissed at the~~
 14 ~~interim, temporary, or final protective order stage of a proceeding under this subtitle,~~
 15 ~~the] A respondent may file a written request to shield all court records relating to [the~~
 16 ~~proceeding] **A PETITION FILED UNDER THIS SUBTITLE IF:**~~

17 ~~(1) THE PETITION IS DENIED OR DISMISSED AT THE INTERIM,~~
 18 ~~TEMPORARY, OR FINAL PROTECTIVE ORDER STAGE OF THE PROCEEDING~~
 19 ~~UNDER THIS SUBTITLE; OR~~

20 ~~(2) THE RESPONDENT CONSENTS TO THE ENTRY OF THE~~
 21 ~~PROTECTIVE ORDER~~

22 (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF A PETITION
 23 FILED UNDER THIS SUBTITLE WAS DENIED OR DISMISSED AT THE INTERIM,
 24 TEMPORARY, OR FINAL PROTECTIVE ORDER STAGE OF A PROCEEDING UNDER
 25 THIS SUBTITLE, THE PETITIONER OR THE RESPONDENT MAY FILE A WRITTEN
 26 REQUEST TO SHIELD ALL COURT RECORDS RELATING TO THE PROCEEDING IN
 27 ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

28 (2) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IF THE
 29 RESPONDENT CONSENTED TO THE ENTRY OF A PROTECTIVE ORDER UNDER
 30 THIS SUBTITLE, THE PETITIONER OR THE RESPONDENT MAY FILE A WRITTEN
 31 REQUEST TO SHIELD ALL COURT RECORDS RELATING TO THE PROCEEDING IN
 32 ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION.

33 (c) A request for shielding under this section may not be filed within 3 years
 34 after the denial or dismissal of the petition **OR THE CONSENT TO THE ENTRY OF**
 35 **THE PROTECTIVE ORDER**, unless the respondent **REQUESTING PARTY** files with the
 36 request a general waiver and release of all the respondent's **PARTY'S** tort claims
 37 related to the proceeding under this subtitle.

1 (d) (1) ~~On~~ **IF A PETITION WAS DENIED OR DISMISSED AT THE**
 2 **INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER STAGE OF A PROCEEDING**
 3 **UNDER THIS SUBTITLE, ON** the filing of a **WRITTEN** request for shielding under this
 4 section, the court shall schedule a hearing on the request.

5 (2) The court shall give notice of the hearing to the ~~petitioner~~ **OTHER**
 6 **PARTY** or the ~~petitioner's~~ **OTHER PARTY'S** counsel of record.

7 (3) Except as provided in paragraphs (4) and (5) of this subsection,
 8 after the hearing, the court shall order the shielding of all court records relating to the
 9 proceeding if the court finds:

10 (i) ~~1.~~ that the petition was denied or dismissed at the
 11 interim, temporary, or final protective order stage of the proceeding; ~~OR~~

12 ~~2. THAT THE RESPONDENT CONSENTED TO THE~~
 13 ~~ENTRY OF THE PROTECTIVE ORDER;~~

14 (ii) that a final protective order or peace order has not been
 15 previously issued against the respondent in a proceeding between the petitioner and
 16 the respondent; ~~and~~

17 **(III) THAT THE RESPONDENT HAS NOT BEEN FOUND GUILTY**
 18 **OF A CRIME ARISING FROM ABUSE AGAINST THE PETITIONER; AND**

19 ~~(iii)~~ **(IV)** that none of the following are pending at the time of
 20 the hearing:

21 1. an interim or temporary protective order or peace
 22 order issued against the respondent in a proceeding between the petitioner and the
 23 respondent; or

24 2. a criminal charge against the respondent arising from
 25 alleged abuse against the petitioner.

26 (4) (i) ~~If the petitioner appears at the shielding hearing and objects~~
 27 ~~to the shielding~~ **ON ITS OWN MOTION OR ON THE OBJECTION OF THE OTHER**
 28 **PARTY**, the court may, for good cause, deny the shielding.

29 (ii) In determining whether there is good cause ~~to grant the~~
 30 ~~request to shield court records~~ **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH**,
 31 the court shall balance the privacy of the **PETITIONER OR THE** respondent and
 32 potential danger of adverse consequences to the **PETITIONER OR THE** respondent
 33 against the potential risk of future harm and danger to the petitioner and the
 34 community.

1 (5) Information about the proceeding may not be removed from the
2 Domestic Violence Central Repository.

3 **(E) (1) (i) IF THE RESPONDENT CONSENTED TO THE ENTRY OF A**
4 **PROTECTIVE ORDER UNDER THIS SUBTITLE, THE PETITIONER OR THE**
5 **RESPONDENT MAY FILE A WRITTEN REQUEST FOR SHIELDING AT ANY TIME**
6 **AFTER THE PROTECTIVE ORDER EXPIRES.**

7 **(ii) ON THE FILING OF A REQUEST FOR SHIELDING UNDER**
8 **THIS PARAGRAPH, THE COURT SHALL SCHEDULE A HEARING ON THE REQUEST.**

9 **(iii) THE COURT SHALL GIVE NOTICE OF THE HEARING TO**
10 **THE OTHER PARTY OR THE OTHER PARTY'S COUNSEL OF RECORD.**

11 **(iv) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (V) AND (VI)**
12 **OF THIS PARAGRAPH, AFTER THE HEARING, THE COURT SHALL ORDER THE**
13 **SHIELDING OF ALL COURT RECORDS RELATING TO THE PROCEEDING IF THE**
14 **COURT FINDS:**

15 **1. FOR CASES IN WHICH THE RESPONDENT**
16 **REQUESTS SHIELDING, THAT THE PETITIONER CONSENTS TO THE SHIELDING;**

17 **2. THAT THE RESPONDENT DID NOT VIOLATE THE**
18 **PROTECTIVE ORDER DURING ITS TERM;**

19 **3. THAT A FINAL PEACE ORDER OR PROTECTIVE**
20 **ORDER HAS NOT BEEN PREVIOUSLY ISSUED AGAINST THE RESPONDENT IN A**
21 **PROCEEDING BETWEEN THE PETITIONER AND THE RESPONDENT;**

22 **4. THAT THE RESPONDENT HAS NOT BEEN FOUND**
23 **GUILTY OF A CRIME ARISING FROM ABUSE AGAINST THE PETITIONER; AND**

24 **5. THAT NONE OF THE FOLLOWING ARE PENDING AT**
25 **THE TIME OF THE HEARING:**

26 **A. AN INTERIM OR TEMPORARY PEACE ORDER OR**
27 **PROTECTIVE ORDER ISSUED AGAINST THE RESPONDENT IN A PROCEEDING**
28 **BETWEEN THE PETITIONER AND THE RESPONDENT; OR**

29 **B. A CRIMINAL CHARGE AGAINST THE RESPONDENT**
30 **ARISING FROM ALLEGED ABUSE AGAINST THE PETITIONER.**

1 (v) 1. ON ITS OWN MOTION, OR ON THE OBJECTION OF
2 THE OTHER PARTY, THE COURT MAY, FOR GOOD CAUSE, DENY THE REQUEST
3 FOR SHIELDING.

4 2. IN DETERMINING WHETHER THERE IS GOOD
5 CAUSE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE COURT
6 SHALL BALANCE THE PRIVACY OF THE PETITIONER OR THE RESPONDENT AND
7 POTENTIAL DANGER OF ADVERSE CONSEQUENCES TO THE PETITIONER OR THE
8 RESPONDENT AGAINST THE POTENTIAL RISK OF FUTURE HARM AND DANGER TO
9 THE PETITIONER AND THE COMMUNITY.

10 (vi) INFORMATION ABOUT THE PROCEEDING MAY NOT BE
11 REMOVED FROM THE DOMESTIC VIOLENCE CENTRAL REPOSITORY.

12 (2) (i) IF THE RESPONDENT CONSENTED TO THE ENTRY OF A
13 PROTECTIVE ORDER UNDER THIS SUBTITLE, BUT THE PETITIONER DID NOT
14 CONSENT TO SHIELDING AT THE HEARING UNDER PARAGRAPH (1) OF THIS
15 SUBSECTION, THE RESPONDENT MAY REFILE A WRITTEN REQUEST FOR
16 SHIELDING AFTER 1 YEAR FROM THE DATE OF THE HEARING UNDER
17 PARAGRAPH (1) OF THIS SUBSECTION.

18 (ii) ON THE FILING OF A REQUEST FOR SHIELDING UNDER
19 THIS PARAGRAPH, THE COURT SHALL SCHEDULE A HEARING ON THE REQUEST.

20 (iii) THE COURT SHALL GIVE NOTICE OF THE HEARING TO
21 THE OTHER PARTY OR THE OTHER PARTY'S COUNSEL OF RECORD.

22 (iv) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (v) AND (vi)
23 OF THIS PARAGRAPH, AFTER THE HEARING, THE COURT SHALL ORDER THE
24 SHIELDING OF ALL COURT RECORDS RELATING TO THE PROCEEDING IF THE
25 COURT FINDS:

26 1. A. THAT THE PETITIONER CONSENTS TO THE
27 SHIELDING; OR

28 B. THAT THE PETITIONER DOES NOT CONSENT TO
29 THE SHIELDING, BUT THAT IT IS UNLIKELY THAT THE RESPONDENT WILL
30 COMMIT AN ACT OF ABUSE AGAINST THE PETITIONER IN THE FUTURE;

31 2. THAT THE RESPONDENT DID NOT VIOLATE THE
32 PROTECTIVE ORDER DURING ITS TERM;

1 **3. THAT A FINAL PEACE ORDER OR PROTECTIVE**
2 **ORDER HAS NOT BEEN PREVIOUSLY ISSUED AGAINST THE RESPONDENT IN A**
3 **PROCEEDING BETWEEN THE PETITIONER AND THE RESPONDENT;**

4 **4. THAT THE RESPONDENT HAS NOT BEEN FOUND**
5 **GUILTY OF A CRIME ARISING FROM ABUSE AGAINST THE PETITIONER; AND**

6 **5. THAT NONE OF THE FOLLOWING ARE PENDING AT**
7 **THE TIME OF THE HEARING:**

8 **A. AN INTERIM OR TEMPORARY PEACE ORDER OR**
9 **PROTECTIVE ORDER ISSUED AGAINST THE RESPONDENT IN A PROCEEDING**
10 **BETWEEN THE PETITIONER AND THE RESPONDENT; OR**

11 **B. A CRIMINAL CHARGE AGAINST THE RESPONDENT**
12 **ARISING FROM ALLEGED ABUSE AGAINST THE PETITIONER.**

13 **(v) 1. ON ITS OWN MOTION OR ON THE OBJECTION OF**
14 **THE OTHER PARTY, THE COURT MAY, FOR GOOD CAUSE, DENY THE REQUEST**
15 **FOR SHIELDING.**

16 **2. IN DETERMINING WHETHER THERE IS GOOD**
17 **CAUSE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE COURT**
18 **SHALL BALANCE THE PRIVACY OF THE PETITIONER OR THE RESPONDENT AND**
19 **POTENTIAL DANGER OF ADVERSE CONSEQUENCES TO THE PETITIONER OR THE**
20 **RESPONDENT AGAINST THE POTENTIAL RISK OF FUTURE HARM AND DANGER TO**
21 **THE PETITIONER AND THE COMMUNITY.**

22 **(VI) INFORMATION ABOUT THE PROCEEDING MAY NOT BE**
23 **REMOVED FROM THE DOMESTIC VIOLENCE CENTRAL REPOSITORY.**

24 ~~(F)~~ **(F)** (1) This section does not preclude the following persons from accessing
25 a shielded record for a legitimate reason:

26 (i) a law enforcement officer;

27 (ii) an attorney who represents or has represented the
28 petitioner or the respondent in a proceeding;

29 (iii) a State's Attorney;

30 (iv) an employee of a local department; or

31 (v) a victim services provider.

1 (2) (i) A person not listed in paragraph (1) of this subsection may
2 subpoena, or file a motion for access to, a record shielded under this section.

3 (ii) If the court finds that the person has a legitimate reason for
4 access, the court may grant the person access to the shielded record under the terms
5 and conditions that the court determines.

6 (iii) In ruling on a motion under this paragraph, the court shall
7 balance the person's need for access to the record with the **PETITIONER'S OR THE**
8 respondent's right to privacy and the potential harm of unwarranted adverse
9 consequences to the **PETITIONER OR THE** respondent that the disclosure may create.

10 ~~(F)~~ **(G)** Within 60 days after entry of an order **FOR SHIELDING** under
11 ~~subsection (d)(3) of~~ this section, each custodian of court records that are subject to the
12 order of shielding shall advise in writing the court and the respondent of compliance
13 with the order.

14 **(H) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION,**
15 **IN CONSULTATION WITH THE MARYLAND JUDICIARY, MAY ADOPT REGULATIONS**
16 **GOVERNING ONLINE ACCESS TO SHIELDED RECORDS BY A VICTIM SERVICES**
17 **PROVIDER.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.