

HOUSE BILL 745

D4

4r3148
CF SB 743

By: Delegates Shetty, Bartlett, Kaufman, and ~~Simpson~~ Simpson, Crutchfield, Arian, Grammer, Valentine, and Williams

Introduced and read first time: January 31, 2024

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2024

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Protective Orders – ~~Crimes of Violence and Stalking and~~**
3 **Permanent Protective Orders**

4 FOR the purpose of ~~adding stalking to the list of offenses for which a certain individual~~
5 ~~may petition for a protective order~~ expanding the definition of “person eligible for
6 relief” under the domestic violence statutes to include an individual who alleges that
7 the respondent committed stalking under certain circumstances; altering certain
8 provisions of law relating to the issuance of a permanent protective order; and
9 generally relating to protective orders.

10 BY repealing and reenacting, with amendments,
11 Article – Family Law
12 Section 4–501(m)
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2023 Supplement)

15 BY repealing
16 Article – Family Law
17 Section 4–506(k)
18 Annotated Code of Maryland
19 (2019 Replacement Volume and 2023 Supplement)

20 BY adding to
21 Article – Family Law

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 Section 4–506(k)
2 Annotated Code of Maryland
3 (2019 Replacement Volume and 2023 Supplement)

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

6 **Article – Family Law**

7 4–501.

8 (m) “Person eligible for relief” includes:

9 (1) the current or former spouse of the respondent;

10 (2) a cohabitant of the respondent;

11 (3) a person related to the respondent by blood, marriage, or adoption;

12 (4) a parent, stepparent, child, or stepchild of the respondent or the person
13 eligible for relief who resides or resided with the respondent or person eligible for relief for
14 at least 90 days within 1 year before the filing of the petition;

15 (5) a vulnerable adult;

16 (6) an individual who has a child in common with the respondent;

17 (7) an individual who has had a sexual relationship with the respondent
18 within 1 year before the filing of the petition; and

19 (8) an individual who alleges that the respondent committed, within 6
20 months before the filing of the petition, any of the following acts against the individual:

21 (i) rape or a sexual offense under § 3–303, § 3–304, § 3–307, or §
22 3–308 of the Criminal Law Article; **[or]**

23 (ii) attempted rape or sexual offense in any degree; **OR**

24 **(III) STALKING UNDER § 3–802 OF THE CRIMINAL LAW ARTICLE.**

25 4–506.

26 **[(k) (1) Notwithstanding any other provision of this section, the court shall**
27 **issue a permanent protective order under this subsection against an individual if:**

28 (i) an interim, temporary, or final protective order has been issued
29 under this subtitle against the individual;

1 (ii) 1. the individual was convicted and sentenced to serve a term
2 of imprisonment of at least 5 years for the act of abuse that led to the issuance of the
3 interim, temporary, or final protective order and the individual has served at least 12
4 months of the sentence; or

5 2. A. during the term of the interim, temporary, or final
6 protective order, the individual committed an act of abuse against the person eligible for
7 relief; and

8 B. the individual was convicted and sentenced to serve a term
9 of imprisonment of at least 5 years for the act and has served at least 12 months of the
10 sentence; and

11 (iii) the victim of the act of abuse described in item (ii)1 or 2 of this
12 paragraph, who was the person eligible for relief in the interim, temporary, or final
13 protective order, requests the issuance of a permanent protective order under this
14 subsection.

15 (2) In a permanent protective order issued under this subsection, the court
16 may grant only the relief that was granted in the original protective order under §
17 4-504.1(c)(1) or (2) or § 4-505(a)(2)(i) or (ii) of this subtitle or subsection (d)(1) or (2) of this
18 section.

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

21 **(K) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,**
22 **THE COURT SHALL ISSUE A PERMANENT PROTECTIVE ORDER UNDER THIS**
23 **SUBSECTION AGAINST AN INDIVIDUAL IF:**

24 **(I) AN INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER**
25 **HAS BEEN ISSUED UNDER THIS SUBTITLE AGAINST THE INDIVIDUAL;**

26 **(II) THE INDIVIDUAL WAS CONVICTED OF EITHER A CRIME OF**
27 **~~VIOLENCE, AS DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, OR STALKING~~**
28 **~~UNDER § 3-802 OF THE CRIMINAL LAW ARTICLE FOR THE ACT OF ABUSE THAT LED~~**
29 **~~TO THE ISSUANCE OF THE INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER~~**
30 **FOR AN ACT OF ABUSE AGAINST THE PERSON ELIGIBLE FOR RELIEF; AND**

31 **(III) THE VICTIM OF THE ACT OF ABUSE DESCRIBED IN ITEM (II)**
32 **OF THIS PARAGRAPH, WHO WAS THE PERSON ELIGIBLE FOR RELIEF IN THE INTERIM,**
33 **TEMPORARY, OR FINAL PROTECTIVE ORDER, REQUESTS ISSUANCE OF A PERMANENT**
34 **PROTECTIVE ORDER.**

1 **(2) IN A PERMANENT PROTECTIVE ORDER ISSUED UNDER THIS**
 2 **SUBSECTION, THE COURT MAY GRANT ONLY THE RELIEF THAT WAS GRANTED IN THE**
 3 **ORIGINAL PROTECTIVE ORDER UNDER § 4-504.1(C)(1) OR (2) OR § 4-505(A)(2)(I)**
 4 **OR (II) OF THIS SUBTITLE OR SUBSECTION (D)(1) OR (2) OF THIS SECTION.**

5 **(3) UNLESS TERMINATED AT THE REQUEST OF THE VICTIM, A**
 6 **PROTECTIVE ORDER ISSUED UNDER THIS SUBSECTION SHALL BE PERMANENT.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 8 October 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.