

HOUSE BILL 819

D4

6lr3039

By: **Delegates Atterbeary, Dumais, Kittleman, McComas, Moon, Morales, Sanchez, Smith, and Valentino-Smith**

Introduced and read first time: February 8, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence – Permanent Protective Orders – Probation and Suspended**
3 **Sentence**

4 FOR the purpose of specifying that, for purposes of provisions of law requiring a court to
5 issue a certain permanent final protective order under certain circumstances against
6 an individual who was convicted and sentenced to serve a certain term of
7 imprisonment for certain crimes, a term of imprisonment includes any period of
8 probation or portion of the sentence suspended; and generally relating to protective
9 orders.

10 BY repealing and reenacting, with amendments,
11 Article – Family Law
12 Section 4–506(k)
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2015 Supplement)

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

Article – Family Law

18 4–506.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) for the act of abuse that led to the issuance of the final protective
2 order, the individual was convicted and sentenced to serve a term of imprisonment of at
3 least 5 years, **INCLUDING ANY PERIOD OF PROBATION OR PORTION OF THE SENTENCE**
4 **SUSPENDED**, under § 2–205, § 2–206, § 3–202, § 3–203, § 3–303, § 3–304, § 3–305, § 3–306,
5 § 3–309, § 3–310, § 3–311, or § 3–312 of the Criminal Law Article or for conspiracy or
6 solicitation to commit murder and the individual has served at least 12 months of the
7 sentence; and

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

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

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2016.