

HOUSE BILL 853

D4, D3

3lr1736
CF SB 417

By: **Delegate Dumais**

Introduced and read first time: February 7, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring a court to issue a permanent final protective order
4 against an individual who is sentenced to, instead of who served, a certain term
5 of imprisonment for certain crimes under certain circumstances; adding the
6 crime of assault in the second degree to the list of crimes, the commission of
7 which subjects an individual to the issuance of a permanent final protective
8 order against the individual under certain circumstances; and generally relating
9 to domestic violence and permanent final protective orders.

10 BY repealing and reenacting, without amendments,
11 Article – Criminal Law
12 Section 3–203
13 Annotated Code of Maryland
14 (2012 Replacement Volume and 2012 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Family Law
17 Section 4–506(k)
18 Annotated Code of Maryland
19 (2012 Replacement Volume)

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

22 **Article – Criminal Law**

23 3–203.

24 (a) A person may not commit an assault.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Except as provided in subsection (c) of this section, a person who violates
2 subsection (a) of this section is guilty of the misdemeanor of assault in the second
3 degree and on conviction is subject to imprisonment not exceeding 10 years or a fine
4 not exceeding \$2,500 or both.

5 (c) (1) In this subsection, “physical injury” means any impairment of
6 physical condition, excluding minor injuries.

7 (2) A person may not intentionally cause physical injury to another if
8 the person knows or has reason to know that the other is:

9 (i) a law enforcement officer engaged in the performance of the
10 officer’s official duties; or

11 (ii) a parole or probation agent engaged in the performance of
12 the agent’s official duties.

13 (3) A person who violates paragraph (2) of this subsection is guilty of
14 the felony of assault in the second degree and on conviction is subject to imprisonment
15 not exceeding 10 years or a fine not exceeding \$5,000 or both.

16 Article – Family Law

17 4–506.

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

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

22 (ii) the individual was convicted and [served] **SENTENCED TO** a
23 term of imprisonment of at least 5 years under § 2–205, § 2–206, § 3–202, **§ 3–203**, §
24 3–303, § 3–304, § 3–305, § 3–306, § 3–309, § 3–310, § 3–311, or § 3–312 of the Criminal
25 Law Article for the act of abuse that led to the issuance of the final protective order;
26 and

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

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

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2013.