

SB0209/328179/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 209
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Protective” and substitute “Peace”; in the same line, after “Eligibility” insert “and Duration”; strike beginning with “removing” in line 3 down through “protective orders” in line 9 and substitute “authorizing a commissioner under certain circumstances to issue an interim peace order to protect a petitioner seeking relief if the underlying act for the petition is rape or a certain sexual offense; authorizing a judge under certain circumstances to issue a temporary peace order or a final peace order to protect a petitioner seeking relief if the underlying act for the petition is rape or a certain sexual offense; increasing the maximum length of effectiveness of a final peace order if the underlying act is rape or a certain sexual offense; and generally relating to peace orders and rape and sexual offenses”; and strike in their entirety lines 10 through 24, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 3-1503.1(b), 3-1504(a), and 3-1505(c) and (f)

Annotated Code of Maryland

(2013 Replacement Volume and 2018 Supplement)”.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 1 on page 2 through line 26 on page 4, inclusive, and substitute:

“Article – Courts and Judicial Proceedings

3–1503.1.

(Over)

(b) (1) [If] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF a petition is filed with a commissioner and the commissioner finds that there are reasonable grounds to believe that the respondent has committed, and is likely to commit in the future, an act specified in § 3-1503(a) of this subtitle against the petitioner, the commissioner may issue an interim peace order to protect the petitioner.

(2) IF A PETITION IS FILED WITH A COMMISSIONER AND THE COMMISSIONER FINDS THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE RESPONDENT HAS COMMITTED RAPE OR A SEXUAL OFFENSE UNDER § 3-303, § 3-304, § 3-307, OR § 3-308 OF THE CRIMINAL LAW ARTICLE OR ATTEMPTED RAPE OR SEXUAL OFFENSE IN ANY DEGREE AGAINST THE PETITIONER, THE COMMISSIONER MAY ISSUE AN INTERIM PEACE ORDER TO PROTECT THE PETITIONER.

3-1504.

(a) (1) (I) [If] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF after a hearing on a petition, whether ex parte or otherwise, a judge finds that there are reasonable grounds to believe that the respondent has committed, and is likely to commit in the future, an act specified in § 3-1503(a) of this subtitle against the petitioner, the judge may issue a temporary peace order to protect the petitioner.

(II) IF A PETITION IS FILED WITH A JUDGE AND THE JUDGE FINDS THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE RESPONDENT HAS COMMITTED RAPE OR A SEXUAL OFFENSE UNDER § 3-303, § 3-304, § 3-307, OR § 3-308 OF THE CRIMINAL LAW ARTICLE OR ATTEMPTED RAPE OR SEXUAL OFFENSE IN ANY DEGREE AGAINST THE PETITIONER, THE JUDGE MAY ISSUE A TEMPORARY PEACE ORDER TO PROTECT THE PETITIONER.

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(2) The temporary peace order may include any or all of the following relief:

(i) Order the respondent to refrain from committing or threatening to commit an act specified in § 3–1503(a) of this subtitle against the petitioner;

(ii) Order the respondent to refrain from contacting, attempting to contact, or harassing the petitioner;

(iii) Order the respondent to refrain from entering the residence of the petitioner; and

(iv) Order the respondent to remain away from the place of employment, school, or temporary residence of the petitioner.

(3) If the judge issues an order under this section, the order shall contain only the relief that is minimally necessary to protect the petitioner.

3–1505.

(c) (1) If the respondent appears for the final peace order hearing, has been served with an interim peace order or a temporary peace order, or the court otherwise has personal jurisdiction over the respondent, the judge:

(i) May proceed with the final peace order hearing; and

(ii) **1. [If] SUBJECT TO ITEM 2 OF THIS ITEM, IF** the judge finds by a preponderance of the evidence that the respondent has committed, and is likely to commit in the future, an act specified in § 3–1503(a) of this subtitle against the petitioner, or if the respondent consents to the entry of a peace order, the court may issue a final peace order to protect the petitioner[.]; AND

(Over)

2. IF A PETITION IS FILED WITH A JUDGE AND THE JUDGE FINDS THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE RESPONDENT HAS COMMITTED RAPE OR A SEXUAL OFFENSE UNDER § 3-303, § 3-304, § 3-307, OR § 3-308 OF THE CRIMINAL LAW ARTICLE OR ATTEMPTED RAPE OR SEXUAL OFFENSE IN ANY DEGREE AGAINST THE PETITIONER, MAY ISSUE A FINAL PEACE ORDER TO PROTECT THE PETITIONER.

(2) A final peace order may be issued only to an individual who has filed a petition under § 3-1503 of this subtitle.

(3) In cases where both parties file a petition under § 3-1503 of this subtitle, the judge may issue mutual peace orders if the judge finds by a preponderance of the evidence that each party has committed, and is likely to commit in the future, an act specified in § 3-1503(a) of this subtitle against the other party.

(f) **(1) [All] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ALL relief granted in a final peace order shall be effective for the period stated in the order, not to exceed 6 months.**

(2) IF THE UNDERLYING ACT FOR A FINAL PEACE ORDER IS RAPE OR A SEXUAL OFFENSE UNDER § 3-303, § 3-304, § 3-307, OR § 3-308 OF THE CRIMINAL LAW ARTICLE OR ATTEMPTED RAPE OR SEXUAL OFFENSE IN ANY DEGREE, RELIEF GRANTED IN A FINAL PEACE ORDER SHALL BE EFFECTIVE FOR THE PERIOD STATED IN THE ORDER, NOT TO EXCEED 1 YEAR.”