

HOUSE BILL 263

D4

5lr1151

By: **Delegates Valentino–Smith, Angel, Atterbeary, Dumais, Kelly, McComas, and Rey**

Introduced and read first time: February 4, 2015

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence – Permanent Protective Orders – Conspiracy or Solicitation**
3 **to Commit Murder**

4 FOR the purpose of expanding the circumstances under which a court is required to issue
5 a certain permanent final protective order to include the conviction of an individual
6 for conspiracy or solicitation to commit murder under certain circumstances; and
7 generally relating to domestic violence.

8 BY repealing and reenacting, with amendments,
9 Article – Family Law
10 Section 4–506(k)
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2014 Supplement)

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

15 **Article – Family Law**

16 4–506.

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

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

21 (ii) **FOR THE ACT OF ABUSE THAT LED TO THE ISSUANCE OF THE**
22 **FINAL PROTECTIVE ORDER**, the individual was convicted and sentenced to serve a term

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 of imprisonment of at least 5 years under § 2–205, § 2–206, § 3–202, § 3–203, § 3–303, §
2 3–304, § 3–305, § 3–306, § 3–309, § 3–310, § 3–311, or § 3–312 of the Criminal Law Article
3 [for the act of abuse that led to the issuance of the final protective order] **OR FOR**
4 **CONSPIRACY OR SOLICITATION TO COMMIT MURDER** and **THE INDIVIDUAL** has served
5 at least 12 months of the sentence; and

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

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

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2015.