

HOUSE BILL 30

D4

8lr1055

HB 803/17 – JUD

(PRE-FILED)

By: ~~Delegate Angel~~ Delegates Angel, Dumais, Atterbeary, Corderman, Gibson, Malone, McComas, Moon, Queen, Sanchez, Sydnor, and Valentino-Smith

Requested: November 2, 2017

Introduced and read first time: January 10, 2018

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2018

CHAPTER _____

1 AN ACT concerning

2 ~~Domestic Violence – Education and Definition of Abuse~~
3 Family Law – Domestic Violence – Definition of Abuse

4 FOR the purpose of ~~requiring the State Board of Education to encourage county boards of~~
5 ~~education to incorporate age-appropriate lessons on domestic violence into a certain~~
6 ~~curriculum~~; altering the definition of “abuse” for purposes of certain provisions of law
7 relating to domestic violence to include ~~harassment and malicious destruction of~~
8 ~~property~~; ~~defining certain terms~~ revenge porn; making a stylistic change; and
9 generally relating to domestic violence.

10 ~~BY repealing and reenacting, with amendments,~~
11 ~~Article – Education~~
12 ~~Section 7-411.1~~
13 ~~Annotated Code of Maryland~~
14 ~~(2014 Replacement Volume and 2017 Supplement)~~

15 BY repealing and reenacting, without amendments,
16 Article – Family Law
17 Section 4-501(a)
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2017 Supplement)

20 BY repealing and reenacting, with amendments,

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 Article – Family Law
 2 Section ~~4-501~~ 4-501(b)
 3 Annotated Code of Maryland
 4 (2012 Replacement Volume and 2017 Supplement)

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

7 ~~Article – Education~~

8 ~~7-411.1.~~

9 ~~(a) The State Board shall encourage the county boards to incorporate~~
 10 ~~age-appropriate lessons on dating violence, DOMESTIC VIOLENCE, diabetes and its~~
 11 ~~treatment and prevention, oral disease prevention, and dental health promotion into the~~
 12 ~~county boards' health education curriculum.~~

13 ~~(b) On or before December 1, 2015, and every 5 years thereafter, the Department~~
 14 ~~shall report to the Governor and, subject to § 2-1246 of the State Government Article, to~~
 15 ~~the General Assembly a summary of the information reported to the State Superintendent~~
 16 ~~during the COMAR certification process.~~

17 Article – Family Law

18 4-501.

19 (a) In this subtitle the following words have the meanings indicated.

20 (b) (1) “Abuse” means any of the following acts:

21 (i) an act that causes serious bodily harm;

22 (ii) an act that places a person eligible for relief in fear of imminent
 23 serious bodily harm;

24 (iii) assault in any degree;

25 (iv) rape or sexual offense under §§ 3-303 through 3-308 of the
 26 Criminal Law Article or attempted rape or sexual offense in any degree;

27 (v) false imprisonment; [or]

28 (vi) stalking under § 3-802 of the Criminal Law Article; **OR**

29 **(VII) HARASSMENT; OR**

1 ~~(VII) MALICIOUS DESTRUCTION OF PROPERTY~~ REVENGE PORN
2 UNDER § 3-809 OF THE CRIMINAL LAW ARTICLE.

3 (2) (I) If the person for whom relief is sought is a child, “abuse” may
4 also include abuse of a child, as defined in Title 5, Subtitle 7 of this article.

5 (II) Nothing in this subtitle shall be construed to prohibit reasonable
6 punishment, including reasonable corporal punishment, in light of the age and condition of
7 the child, from being performed by a parent or stepparent of the child.

8 (3) If the person for whom relief is sought is a vulnerable adult, “abuse”
9 may also include abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this article.

10 ~~(e) “Child care provider” means a person that provides supervision and care for a~~
11 ~~minor child.~~

12 ~~(d) “Cohabitant” means a person who has had a sexual relationship with the~~
13 ~~respondent and resided with the respondent in the home for a period of at least 90 days~~
14 ~~within 1 year before the filing of the petition.~~

15 ~~(e) “Commissioner” means a District Court Commissioner appointed in~~
16 ~~accordance with Article IV, § 41G of the Maryland Constitution.~~

17 ~~(f) “Court” means the District Court or a circuit court in this State.~~

18 ~~(g) “Emergency family maintenance” means a monetary award given to or for a~~
19 ~~person eligible for relief to whom the respondent has a duty of support under this article~~
20 ~~based on:~~

21 ~~(1) the financial needs of the person eligible for relief; and~~

22 ~~(2) the resources available to the person eligible for relief and the~~
23 ~~respondent.~~

24 ~~(h) “Executive Director” means the Executive Director of the Governor’s Office of~~
25 ~~Crime Control and Prevention.~~

26 ~~(i) “Final protective order” means a protective order issued under § 4-506 of this~~
27 ~~subtitle.~~

28 ~~(J) “HARASSMENT” MEANS AN INTENTIONAL OR KNOWING COURSE OF~~
29 ~~CONDUCT OR A SERIES OF ACTS, INCLUDING WRITTEN OR ELECTRONIC~~
30 ~~COMMUNICATION OR TRANSMISSION, THAT CONTINUES AFTER A REASONABLE~~
31 ~~WARNING OR REQUEST TO STOP BY OR ON BEHALF OF ANOTHER PERSON AND THAT;~~

1 ~~(1) SERIOUSLY ALARMS, TORMENTS, TERRORIZES, OR DISTURBS~~
2 ~~ANOTHER PERSON;~~

3 ~~(2) HAS NO LEGAL PURPOSE; AND~~

4 ~~(3) WOULD CAUSE A REASONABLE PERSON TO SUFFER MENTAL OR~~
5 ~~EMOTIONAL DISTRESS.~~

6 ~~[(j)] (K) "Home" means the property in this State that:~~

7 ~~(1) is the principal residence of a person eligible for relief; and~~

8 ~~(2) is owned, rented, or leased by the person eligible for relief or respondent~~
9 ~~or, in a petition alleging child abuse or abuse of a vulnerable adult, an adult living in the~~
10 ~~home at the time of a proceeding under this subtitle.~~

11 ~~[(k)] (L) "Interim protective order" means an order that a Commissioner issues~~
12 ~~under this subtitle pending a hearing by a judge on a petition.~~

13 ~~[(l)] (M) "Local department" means the local department that has jurisdiction in~~
14 ~~the county:~~

15 ~~(1) where the home is located; or~~

16 ~~(2) if different, where the abuse is alleged to have taken place.~~

17 ~~(N) "MALICIOUS DESTRUCTION OF PROPERTY" MEANS AN ACT THAT:~~

18 ~~(1) WILLFULLY DESTROYS, INJURES, OR DEFACES THE REAL OR~~
19 ~~PERSONAL PROPERTY OF ANOTHER, INCLUDING A PERMANENT DRAWING,~~
20 ~~PAINTING, MARKING, OR INSCRIPTION, EVEN IF THE PROPERTY IS HELD AS TENANTS~~
21 ~~BY THE ENTIRETY;~~

22 ~~(2) SERIOUSLY ALARMS, TORMENTS, TERRORIZES, OR DISTURBS~~
23 ~~ANOTHER PERSON;~~

24 ~~(3) HAS NO LEGAL PURPOSE; AND~~

25 ~~(4) WOULD CAUSE A REASONABLE PERSON TO SUFFER MENTAL OR~~
26 ~~EMOTIONAL DISTRESS.~~

27 ~~[(m)] (O) "Person eligible for relief" includes:~~

28 ~~(1) the current or former spouse of the respondent;~~

1 ~~(2) a cohabitant of the respondent;~~

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

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

6 ~~(5) a vulnerable adult;~~

7 ~~(6) an individual who has a child in common with the respondent; or~~

8 ~~(7) an individual who has had a sexual relationship with the respondent~~
 9 ~~within 1 year before the filing of the petition.~~

10 ~~[(n)] (P) (1) "Pet" means a domesticated animal.~~

11 ~~(2) "Pet" does not include livestock.~~

12 ~~[(o)] (Q) (1) "Petitioner" means an individual who files a petition.~~

13 ~~(2) "Petitioner" includes:~~

14 ~~(i) a person eligible for relief; or~~

15 ~~(ii) the following persons who may seek relief from abuse on behalf~~
 16 ~~of a minor or vulnerable adult:~~

17 ~~1. the State's Attorney for the county where the child or~~
 18 ~~vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;~~

19 ~~2. the department of social services that has jurisdiction in~~
 20 ~~the county where the child or vulnerable adult lives, or, if different, where the abuse is~~
 21 ~~alleged to have taken place;~~

22 ~~3. a person related to the child or vulnerable adult by blood,~~
 23 ~~marriage, or adoption; or~~

24 ~~4. an adult who resides in the home.~~

25 ~~[(p)] (R) "Residence" includes the yard, grounds, outbuildings, and common~~
 26 ~~areas surrounding the residence.~~

27 ~~[(q)] (S) "Respondent" means the person alleged in the petition to have~~
 28 ~~committed the abuse.~~

1 ~~[(e)] (T)~~ ~~“Temporary protective order” means a protective order issued under §~~
2 ~~4-505 of this subtitle.~~

3 ~~[(e)] (U)~~ ~~“Victim” includes a person eligible for relief.~~

4 ~~[(t)] (V)~~ ~~“Vulnerable adult” has the meaning provided in § 14-101(q) of this~~
5 ~~article.~~

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.