

Chapter 114

(House Bill 309)

AN ACT concerning

Family Law – Domestic Violence – Permanent Final Protective Orders

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

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 3–203
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–506(k)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Criminal Law

3–203.

(a) A person may not commit an assault.

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

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

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

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

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

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

Article – Family Law

4–506.

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

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

(ii) the individual was convicted and [served] **SENTENCED TO SERVE** a term of imprisonment of at least 5 years under § 2–205, § 2–206, § 3–202, § **3–203**, § 3–303, § 3–304, § 3–305, § 3–306, § 3–309, § 3–310, § 3–311, or § 3–312 of the Criminal Law Article for the act of abuse that led to the issuance of the final protective order **AND HAS SERVED AT LEAST 12 MONTHS OF THE SENTENCE**; and

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 14, 2014.