

HOUSE BILL 328

D4

8lr2315
CF SB 121

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

Introduced and read first time: January 22, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Domestic Violence – Definition of Abuse**

3 FOR the purpose of altering the definition of “abuse” for purposes of certain provisions of
4 law relating to domestic violence to include misuse of telephone facilities and
5 equipment, misuse of electronic communication or interactive computer service,
6 revenge porn, and visual surveillance; making a stylistic change; and generally
7 relating to domestic violence.

8 BY repealing and reenacting, without amendments,

9 Article – Family Law

10 Section 4–501(a)

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2017 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Family Law

15 Section 4–501(b)

16 Annotated Code of Maryland

17 (2012 Replacement Volume and 2017 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Family Law**

21 4–501.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) an act that causes serious bodily harm;
- 2 (ii) an act that places a person eligible for relief in fear of imminent
3 serious bodily harm;
- 4 (iii) assault in any degree;
- 5 (iv) rape or sexual offense under §§ 3–303 through 3–308 of the
6 Criminal Law Article or attempted rape or sexual offense in any degree;
- 7 (v) false imprisonment; [or]
- 8 (vi) stalking under § 3–802 of the Criminal Law Article;

9 (VII) MISUSE OF TELEPHONE FACILITIES AND EQUIPMENT
10 UNDER § 3–804 OF THE CRIMINAL LAW ARTICLE;

11 (VIII) MISUSE OF ELECTRONIC COMMUNICATION OR INTERACTIVE
12 COMPUTER SERVICE UNDER § 3–805 OF THE CRIMINAL LAW ARTICLE;

13 (IX) REVENGE PORN UNDER § 3–809 OF THE CRIMINAL LAW
14 ARTICLE; OR

15 (X) VISUAL SURVEILLANCE UNDER § 3–901, § 3–902, OR § 3–903
16 OF THE CRIMINAL LAW ARTICLE.

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

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

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

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