

Chapter 338

(Senate Bill 315)

AN ACT concerning

Domestic Violence – 2-Year Protective Order

FOR the purpose of specifying that a court may issue a final protective order for a period not to exceed 2 years by consent of the respondent under certain circumstances; authorizing a judge, under certain circumstances, to extend the term of a protective order for a certain period of time if the respondent named in the protective order consents to the extension; making a conforming change; and generally relating to domestic violence.

BY repealing and reenacting, with amendments,
 Article – Family Law
 Section 4–506(j) and 4–507(a)(3)
 Annotated Code of Maryland
 (2012 Replacement Volume and 2014 Supplement)

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

Article – Family Law

4–506.

(j) (1) Except as provided in paragraphs (2) and (3) of this subsection, all relief granted in a final protective order shall be effective for the period stated in the order, not to exceed 1 year.

(2) All relief granted in a final protective order shall be effective for the period stated in the order, not to exceed 2 years if:

(i) the court issues a final protective order under this section against a respondent on behalf of a person eligible for relief:

1. for an act of abuse committed within 1 year after the date that a prior final protective order issued against the same respondent on behalf of the same person eligible for relief expires; **OR**

2. BY CONSENT OF THE RESPONDENT WITHIN 1 YEAR AFTER THE DATE THAT A PRIOR FINAL PROTECTIVE ORDER ISSUED AGAINST THE SAME RESPONDENT ON BEHALF OF THE SAME PERSON ELIGIBLE FOR RELIEF EXPIRES; and

(ii) the prior final protective order was issued for a period of at least 6 months.

(3) A subsequent circuit court order pertaining to any of the provisions included in the final protective order shall supersede those provisions in the final protective order.

4-507.

(a) (3) (i) **[If.] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A JUDGE MAY EXTEND THE TERM OF A PROTECTIVE ORDER FOR A PERIOD NOT TO EXCEED 2 YEARS FROM THE DATE THE EXTENSION IS GRANTED IF:**

1. during the term of [a] THE protective order, [a] THE judge finds by a preponderance of the evidence that the respondent named in the protective order has committed a subsequent act of abuse against a person eligible for relief named in the protective [order.] ORDER; OR

2. THE RESPONDENT NAMED IN THE PROTECTIVE ORDER CONSENTS TO THE EXTENSION OF THE PROTECTIVE ORDER.

(II) [the] THE judge may extend the term of the protective order [for a period not to exceed 2 years from the date the extension is granted.] UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH after:

1. giving notice to all affected persons eligible for relief and the respondent; and

2. a hearing.

[(ii)] (III) In determining the period of extension of a protective order under subparagraph [(i)](I)1 of this paragraph, the judge shall consider the following factors:

1. the nature and severity of the subsequent act of abuse;

2. the history and severity of abuse in the relationship between the respondent and any person eligible for relief named in the protective order;

3. the pendency and type of criminal charges against the respondent; and

4. the nature and extent of the injury or risk of injury caused by the respondent.

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

Approved by the Governor, May 12, 2015.