

SENATE BILL 273

D4, E2

5lr1322
CF 5lr1324

By: **Senator Jackson**

Introduced and read first time: January 9, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Peace Orders and Protective Orders – Military Protection Orders**

3 FOR the purpose of authorizing a judge to consider whether a military protection order has
4 been issued against a respondent when determining whether to grant a temporary
5 peace order or a temporary protective order; requiring a law enforcement officer to
6 notify a certain law enforcement agency that an individual may have violated a
7 military protection order under certain circumstances; and generally relating to
8 peace orders and protective orders.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 3–1501, 3–1504(a)(1), and 3–1508
12 Annotated Code of Maryland
13 (2020 Replacement Volume and 2024 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Family Law
16 Section 4–501, 4–505(a)(1), and 4–509
17 Annotated Code of Maryland
18 (2019 Replacement Volume and 2024 Supplement)

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

21 **Article – Courts and Judicial Proceedings**

22 3–1501.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

(c) “Court” means the District Court of Maryland.

(d) “Employee” means:

(1) An individual who is employed by an employer; or

(2) A volunteer or an independent contractor who performs services for an employer at the employer’s workplace.

(e) (1) “Employer” means a person engaged in a business, an industry, a profession, a trade, or any other enterprise in the State.

(2) “Employer” includes a person that acts directly or indirectly in the interest of another employer with an employee.

(f) “Final peace order” means a peace order issued by a judge under § 3–1505 of this subtitle.

(g) “Interim peace order” means an order that a commissioner issues under this subtitle pending a hearing by a judge on a petition.

(H) “MILITARY PROTECTION ORDER” MEANS A PROTECTION ORDER ISSUED IN ACCORDANCE WITH 10 U.S.C. § 1567 BY A COMMANDING OFFICER AGAINST A PERSON UNDER THE OFFICER’S COMMAND IN:

(1) ANY BRANCH OF THE UNIFORMED SERVICES OF THE UNITED STATES;

(2) THE MARYLAND NATIONAL GUARD; OR

(3) THE NATIONAL GUARD OF ANY OTHER STATE.

[(h)] (I) “Petitioner” means an individual who files a petition under § 3–1503 of this subtitle.

[(i)] (J) “Residence” includes the yard, grounds, outbuildings, and common areas surrounding the residence.

[(j)] (K) “Respondent” means an individual alleged in a petition to have committed an act specified in § 3–1503(a) of this subtitle against a petitioner or a petitioner’s employee.

1 [(k)] (L) “Temporary peace order” means a peace order issued by a judge under
2 § 3–1504 of this subtitle.

3 3–1504.

4 (a) (1) **(I)** If after a hearing on a petition, whether ex parte or otherwise, a
5 judge finds that there are reasonable grounds to believe that the respondent has committed,
6 and is likely to commit in the future, an act specified in § 3–1503(a) of this subtitle against
7 the petitioner or the petitioner’s employee, the judge may issue a temporary peace order to
8 protect the petitioner or the petitioner’s employee.

9 **(II) IN DETERMINING WHETHER THERE ARE REASONABLE**
10 **GROUND TO BELIEVE THAT A RESPONDENT HAS COMMITTED, AND IS LIKELY TO**
11 **COMMIT IN THE FUTURE, AN ACT SPECIFIED IN § 3–1503(A) OF THIS SUBTITLE**
12 **AGAINST THE PETITIONER OR THE PETITIONER’S EMPLOYEE, THE JUDGE MAY**
13 **CONSIDER WHETHER A MILITARY PROTECTION ORDER HAS BEEN ISSUED AGAINST**
14 **THE RESPONDENT FOR THE SAME OR SIMILAR CONDUCT AGAINST THE SAME**
15 **PETITIONER OR THE PETITIONER’S EMPLOYEE.**

16 3–1508.

17 (a) An individual who fails to comply with the relief granted in an interim peace
18 order under § 3–1503.1 of this subtitle, a temporary peace order under § 3–1504(a)(2) of
19 this subtitle, or a final peace order under § 3–1505(d)(1)(i), (ii), (iii), or (iv) of this subtitle
20 is guilty of a misdemeanor and on conviction is subject to:

21 (1) For a first offense, a fine not exceeding \$1,000 or imprisonment not
22 exceeding 90 days or both; and

23 (2) For a second or subsequent offense, a fine not exceeding \$2,500 or
24 imprisonment not exceeding 1 year or both.

25 (b) For the purpose of second or subsequent offender penalties provided under
26 subsection (a)(2) of this section, a prior conviction under § 4–509 of the Family Law Article
27 shall be considered a conviction under this section.

28 (c) **(1)** A law enforcement officer shall arrest with or without a warrant and
29 take into custody an individual who the officer has probable cause to believe is in violation
30 of an interim peace order, temporary peace order, or final peace order in effect at the time
31 of the violation.

32 **(2) IF A LAW ENFORCEMENT OFFICER HAS PROBABLE CAUSE TO**
33 **BELIEVE THAT AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION**
34 **IS A SERVICE MEMBER IN VIOLATION OF A MILITARY PROTECTION ORDER ENTERED**
35 **INTO THE FEDERAL BUREAU OF INVESTIGATION’S NATIONAL CRIME INFORMATION**
36 **CENTER DATABASE, THE LAW ENFORCEMENT OFFICER SHALL NOTIFY THE LAW**

1 ENFORCEMENT AGENCY THAT ENTERED THE MILITARY PROTECTION ORDER INTO
2 THE DATABASE THAT THE SERVICE MEMBER MAY HAVE VIOLATED THE MILITARY
3 PROTECTION ORDER.

4 **Article – Family Law**

5 4–501.

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

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

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

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

11 (iii) assault in any degree;

12 (iv) rape or sexual offense under § 3–303, § 3–304, § 3–307, or §
13 3–308 of the Criminal Law Article or attempted rape or sexual offense in any degree;

14 (v) false imprisonment;

15 (vi) stalking under § 3–802 of the Criminal Law Article; or

16 (vii) revenge porn under § 3–809 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 (c) “Child care provider” means a person that provides supervision and care for a
25 minor child.

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

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

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

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

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

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

(h) “Executive Director” means the Executive Director of the Governor’s Office of Crime Prevention and Policy.

(i) “Final protective order” means a protective order issued under § 4–506 of this subtitle.

(j) “Home” means the property in this State that:

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

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

(k) “Interim protective order” means an order that a Commissioner issues under this subtitle pending a hearing by a judge on a petition.

(l) “Local department” means the local department that has jurisdiction in the county:

(1) where the home is located; or

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

(m) **“MILITARY PROTECTION ORDER” MEANS A PROTECTION ORDER ISSUED IN ACCORDANCE WITH 10 U.S.C. § 1567 BY A COMMANDING OFFICER AGAINST A PERSON UNDER SUCH OFFICER’S COMMAND IN:**

(1) ANY BRANCH OF THE UNIFORMED SERVICES OF THE UNITED STATES;

(2) THE MARYLAND NATIONAL GUARD; OR

(3) THE NATIONAL GUARD OF ANY OTHER STATE.

1 **(N)** “Person eligible for relief” includes:

2 (1) the current or former spouse of the respondent;

3 (2) a cohabitant of the respondent;

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

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

8 (5) a vulnerable adult;

9 (6) an individual who has a child in common with the respondent;

10 (7) an individual who has had a sexual relationship with the respondent
11 within 1 year before the filing of the petition; and

12 (8) an individual who alleges that the respondent committed, within 6
13 months before the filing of the petition, any of the following acts against the individual:

14 (i) rape or a sexual offense under § 3–303, § 3–304, § 3–307, or §
15 3–308 of the Criminal Law Article; or

16 (ii) attempted rape or sexual offense in any degree.

17 **[(n)] (O)** (1) “Pet” means a domesticated animal.

18 (2) “Pet” does not include livestock.

19 **[(o)] (P)** (1) “Petitioner” means an individual who files a petition.

20 (2) “Petitioner” includes:

21 (i) a person eligible for relief; or

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

24 1. the State’s Attorney for the county where the child or
25 vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;

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

4. an adult who resides in the home.

[(q)] (R) “Respondent” means the person alleged in the petition to have committed the abuse.

[(s)] (T) “Victim” includes a person eligible for relief.

(a) (1) **(I)** If, after a hearing on a petition, whether ex parte or otherwise, a judge finds that there are reasonable grounds to believe that a person eligible for relief has been abused, the judge may enter a temporary protective order to protect any person eligible for relief from abuse.

4-509.

(b) A person who violates subsection (a) of this section is guilty of a misdemeanor and on conviction is subject, for each offense, to:

(1) for a first offense, a fine not exceeding \$1,000 or imprisonment not exceeding 90 days or both; and

(2) for a second or subsequent offense, a fine not exceeding \$2,500 or imprisonment not exceeding 1 year or both.

(c) Notwithstanding any other law, a conviction under this section may not merge with a conviction for any other crime based on the act establishing the violation of this section.

(d) A sentence imposed under this section may be imposed separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

(e) For the purpose of second or subsequent offender penalties provided under subsection (b)(2) of this section, a prior conviction under § 3–1508 of the Courts Article shall be considered a conviction under this section.

(f) **(1)** An officer shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of an interim, temporary, or final protective order in effect at the time of the violation.

(2) IF AN OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IS A SERVICE MEMBER IN VIOLATION OF A MILITARY PROTECTION ORDER ENTERED INTO THE FEDERAL BUREAU OF INVESTIGATION'S NATIONAL CRIME INFORMATION CENTER DATABASE, THE OFFICER SHALL NOTIFY THE LAW ENFORCEMENT AGENCY THAT ENTERED THE MILITARY PROTECTION ORDER INTO THE DATABASE THAT THE SERVICE MEMBER MAY HAVE VIOLATED THE MILITARY PROTECTION ORDER.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.