

March 27, 2013

TO: THE PEOPLE OF LEGISLATIVE DISTRICT 8

EXPAND PROTECTION FROM DOMESTIC VIOLENCE

I am hopeful that legislation will be passed to expand the eligibility for protection from domestic violence to adults in relationships other than marriage. The bill SB 490/HB 1230 was approved by the Senate on March 19 in a 45-2 vote. It will be heard by the House Judiciary Committee on April 2.

Under current law, individuals who may seek a protective order include a former or current spouse or an individual who is a cohabitant of the abuser, relatives of the abuser by blood, marriage or adoption, a vulnerable adult, or an individual who has a child in common with the abuser. Senate Bill 490 would extend protection to an individual who has had a consensual or nonconsensual sexual relationship with the abuser or who has been in an intimate relationship of long duration, regardless of whether the relationship is or was sexual in nature.

Those who are not now eligible to seek protective orders may file a petition for a peace order with the District Court. However, the protective order offers greater protection than the peace order. A final protective order can require the abuser among many things to: provide temporary use and possession of a vehicle jointly owned - vacate the residence immediately - stay away from the victim's place of employment, school or temporary residence or home of other family members - refrain from contacting, attempting to contact or harassing the victim - pay filing fees and costs of the proceeding to obtain a protective order - require the abuser to surrender firearms, etc.

Anyone who violates the provisions of a final protective order is subject to a fine up to \$1,000 and/or imprisonment up to 90 days. Second and subsequent offenders are subject to a fine up to \$2,500 and/or imprisonment up to one year.

According to the State Police Uniform Crime Report issued for calendar 2011, there were 18,209 domestic violence crimes reported in Maryland. There were 23 murders attributed to domestic violence incidents. According to legislative analysts, although the bill expands eligibility for protective orders, the provisions do not impact the overall caseload of the courts, as most individuals who will qualify for a protective order with the passage of this bill, qualify under current law for a peace order.

I cannot think of any reason why the law should not extend greater protection to those who are victims of domestic abuse. It truly is a matter of life and death. I hope the House follows the Senate's lead in giving nearly unanimous approval to this legislation.

Please do not hesitate to contact me on this or any other legislative issue of concern to you. As always, I encourage and welcome your input.