



Maryland Network Against Domestic Violence

Domestic Violence Legislation Passed in Maryland 1980 - 2017

2017

Health Care Decisions Act – Advance Directives and Surrogate Decision Making – Disqualified Individuals – prohibits certain individuals from making health care decisions for a patient if they are the subject of a protective order or the spouse of a patient with a separation agreement or who has filed for divorce.

Public Safety – Regulated Firearms – Definition of Convicted of a Disqualifying Crime – prevents individuals who have received a PBJ for second degree assault for a domestically related crime from retaining their firearms.

Family Law – Divorce – Domestic Violence Order – allows the admission of a protective order as evidence in a divorce case.

Criminal Law – Sex Offenses – Physical Resistance – establishes that evidence of physical resistance by a victim is not required to prove that a sexual crime was committed.

Criminal Procedure – Conditional Release – Electronic Monitoring (Amber’s Law) – allows an individual to request reasonable safety protections, including electronic monitoring of a defendant who has been ordered to stay away from a victim.

2016

Criminal Law – Stalking and Harassment – adds language that prohibits a person from engaging in this behavior if the person intends to cause or knows or reasonably should have known that the conduct would “cause serious emotional distress to another.”

Peace Orders – Grounds for Relief – adds the following offenses to the list for which a petitioner can file for a Peace Order: misuse of telephone facilities and equipment; misuse of electronic communication or interactive computer service; revenge porn; visual surveillance.

Family Law – Protective Orders – Notification of Sunset Repeal – repeals the termination date related to the notice of service of protective orders.

Criminal Law – Strangulation – Lethality Screening Protocol and Training – requires the Maryland Police and Correctional Training Commissions to review and develop a lethality screening protocol and training for law enforcement officers to use when investigating complaints of domestic violence and assault by strangulation and to make a report to the General Assembly.

Task Force to Study Deeds for Victims of Domestic Violence – requires the Task Force to study and make recommendations to protect the identity and address of a domestic violence victim participating in the Address Confidentiality Program when recording a deed transferring real property to or from a program participant.

Neshante and Chloe Davis Domestic Violence Prevention Task Force – requires the Task Force to study and make recommendations regarding domestic violence prevention strategies and policies.

2015

Domestic Violence – Additional Relief – expands the relief available in a final protective order to include “any other relief that a judge determines is necessary to protect a person eligible for relief from abuse.”

Domestic Violence – Two Year Protective Order - clarifies that extensions of protective orders apply to consent orders.

Domestic Violence – Persons Eligible for Relief – expands the persons eligible for relief in the protective order statute to include “an individual who has had a sexual relationship with the respondent within one year before the filing of the petition.”

Domestic Violence – Permanent Protective Orders – Conspiracy or Solicitation to Commit Murder – expands the circumstances under which a court is required to issue a permanent final protective order to include the conviction of an individual for conspiracy or solicitation to commit murder.

Protective Order and Peace Order Petitions – Maryland Residents – authorizes the filing of a protective or peace order petition if the abuse is alleged to have occurred in the state or if the person eligible for relief is a resident of the state, regardless of whether the alleged abuse occurred in the state.

Family Law – Grounds for Limited Divorce – changes the grounds for a limited divorce to enable people who are living separate and apart to file for a limited divorce.

Task Force to Study Maternal Mental Health – includes domestic violence as a consideration pregnancy and post-pregnancy mental health. The MNADV will have a representative on the Task Force.

2014

Peace Orders and Protective Orders – Burden of Proof - changes the standard of proof required for final protective and peace orders from “clear and convincing evidence” to a “preponderance of the evidence.”

Family Law – Domestic Violence – Permanent Final Protective Orders - expands the number of victims eligible for a final permanent protective order by adding second degree assault, the most common domestic violence crime, and enables them to get these orders if their abusers were sentenced to serve at least five years and has served at least 12 months of the sentence.

Peace Orders and Protective Orders – Extensions - ensures that protective and peace orders will remain in effect when victims file for extensions.

Crimes – Committing a Crime of Violence in the Presence of a Minor – Penalties - enhances the penalty for people who are convicted of committing a crime of violence in the presence of a minor.

Sentencing Procedures – Statement by Victim or Victim’s Representative (Alex’s Law) - enhances victims’ rights in court by allowing a victim or a victim’s representative to address the court before sentencing or other disposition hearing.

Peace Orders and Protective Orders – Penalties – Second or Subsequent Offense - makes violations for failing to comply with an interim, a temporary, or a final protective order a prior offense for the purpose of determining penalties for a second or subsequent offense for failing to comply with an interim, a temporary, or a final peace order.

Health Insurance – Communications between Carriers and Enrollees – Conformity with the Health Insurance Portability and Accountability Act (HIPAA) - increases privacy and confidentiality for domestic violence victims by requiring the Maryland Insurance Commissioner to develop and make available a specified form for enrollees to use to request confidential communications from health insurance carriers.

State Government – Human Trafficking Address Confidentiality Program - establishes a program similar to the current address confidentiality program for domestic violence victims for those who are victims of human trafficking.

Peace and Protective Orders – Consent Orders – Shielding - establishes a procedure for shielding peace and protective consent orders on the Internet after they have expired. This bill was amended to provide more protections for domestic violence victims.

2013

Firearm Safety Act of 2013 – Governor’s comprehensive gun bill relating to assault weapons, restrictions on possession (including mental health), licensing and background checks.

Commission on Child Custody Decision Making – establishes a commission to study child custody laws with a diverse group of task force members.

Civil Cases-Maryland Legal Services Corporation Fund-Surcharges-Extension of Termination Date – extends termination date on funding from court fees for MLSC, which provides funding for domestic violence legal services programs.

Maryland Legal Services Corporation Funding – Abandoned Property Funds – increases funding from abandoned property funds for MLSC, which provides funding for domestic violence legal services programs.

2012

Domestically Related Crimes – Reporting – allows the court to determine whether a crime is domestically related when a defendant is convicted of a crime or receives probation before judgment. The finding becomes part of the court record and is reported to the Criminal Justice Information System Central Repository. A “domestically related crime” is committed against a victim who is eligible for relief under a protective order or who had a sexual relationship with the defendant within 12 months before the commission of the crime.

Unemployment Insurance – Coverage – Victims of Domestic Violence – allows a claimant for unemployment insurance to assert they left the employment for good cause if it is directly attributable to the individual’s or individual’s immediate family member being a victim of domestic violence.

Crimes – Electronic Communications – Harassment – prohibits the use of “electronic communication” with the intent to harass and establishes penalties for violations.

State Government – Commemorative Days – Crime Victims and Advocates – requires the Governor to proclaim April 3 as

Crime Victim and Advocate Commemorative Day to honor crime victims and the advocates who serve them.

Family Law – Interim and Temporary Peace and Protective Orders – Duration – extends the duration of an interim or temporary peace order or protective order if the court is closed on the expiration date. The order will be in effect until the next day the court is open.

Public Safety – Emergency Number System – Next Generation 9-1-1 - establishes planning guidelines for the next generation 911 system.

2011

Peace Orders - Extension of Duration - allows a judge to grant an extension of a peace order for an additional six months after a hearing.

Courts - Peace Orders - Penalties - adds graduated penalties for second and subsequent offenses that matches the language in the protective order statute.

Domestic Violence - Additional Relief - Award of Temporary Possession of a Pet - authorizes a District Court Commissioner/judge to order the temporary possession of a pet in an interim, temporary, or final protective order.

Criminal Law - Harassment - Penalties - adds a penalty for a second or subsequent offense for harassment.

Homeowners Insurance - Victims of Crimes of Violence - Discrimination Prohibited - prohibits insurers from using information about a violent crime victim’s status to take certain actions related to a homeowner’s insurance policy or deny payment to an innocent co-insured person.

Rental Housing - Tenant Victim of Domestic Violence or Sexual Assault - Lease Payment Obligation - affects a tenant’s future liability in terminating a residential lease if the tenant is a victim of domestic violence or sexual assault; it would not terminate or impact the liability of a tenant who is a respondent in a protective or peace order.

Criminal Law - Child Neglect - Penalties - creates a misdemeanor crime of child neglect. Prohibits a parent, family member, household member, or other person who has permanent or temporary care or supervision of a minor child from neglecting the minor and establishes penalties for violations.

Sexual Assault Crisis Programs and Domestic Violence Programs - Transfer to the Governor’s Office of Crime Control and Prevention - transfers responsibility and funding for sexual assault crisis programs and domestic violence programs from the Department of Human Resources to the Governor’s Office of Crime Control and Prevention.

2010

Rental Housing - Protection for Victims of Domestic Violence and Sexual Assault - allows victims of domestic violence or sexual assault who have final protective orders or peace orders to terminate a lease with appropriate notice to landlords and without having to pay more than thirty days for rent; have locks changed on the rental dwelling; and present a defense of domestic violence in eviction cases.

Domestic Violence - Protective Order - Extension - allows a court to extend the duration of the final protective order for two years when a respondent re-abuses the person eligible for relief during the term of a protective order.

Civil Cases - Maryland Legal Services Corporation Fund - increases the surcharge in civil cases in both circuit and district courts to fund civil legal services for low-income Marylanders.

Prince George's County - Domestic Violence - GPS Tracking System Pilot Program for Offenders - authorizes a court to order a defendant to carry or wear a global positioning system device as a condition of probation when the defendant is convicted of a specified crime of domestic violence.

Washington County - Domestic Violence - GPS Tracking System Pilot Program for Offenders - authorizes Washington County to implement a GPS pilot program that requires, as a condition of pretrial release on charges of violating a protective order, that a defendant be supervised by electronic monitoring as a condition of bail; and requires the court, if it suspends a specific sentence, to make electronic monitoring a condition of probation for the duration of the order.

Criminal Law - Prohibitions on Wearing, Carrying, or Transporting Firearms - Exceptions - clarifies the procedure for transporting a weapon when surrendering it under a protective order.

Domestic Violence - Domestic Violence Central Repository - requires the Administrative Office of the Courts to maintain a Domestic Violence Central Repository; requires that the DVCR store specified domestic violence orders issued in the State; and establishes the purposes of the DVCR.

Criminal Procedure - Arrest - Violation of a Protective Order - codifies in the Criminal Procedure Article a requirement in the Family Law Article that an officer arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of a protective order.

Criminal Law - Trespass on Posted Property and Wanton Trespass on Private Property - Penalties - increases the penalties for specified subsequent violations of the crime of trespass on posted property; and increases the penalties for specified subsequent violations of the crime of wanton trespass on private property.

Denial or Dismissal of Peace Order or Protective Order Petition - Shielding of Records - allows a court, after a request by a respondent and a judicial review process, to shield denied or dismissed records from public view on the Internet; requires judges to review dismissed and denied records when considering final protective and peace orders; and provides access to records by designated groups.

Baltimore City - Marriage License Fee - Increase - The Carole Alexander Act - requires Baltimore City to set an additional marriage license fee of up to \$75; and requires that the proceeds from the additional fee be used to fund domestic violence programs that have 24-hour intake ability.

2009

Family Law - Protective Orders - Surrender of Firearms - makes it mandatory, rather than discretionary, for a final protective order to order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession, and to refrain from possession of any firearm, for the duration of the protective order.

Family Law - Temporary Protective Orders - Surrender of Firearms - authorizes a judge entering a temporary protective order to order a respondent to surrender to law enforcement authorities any firearm in the person's possession.

Domestic Violence - Temporary Protective Orders - Extension

increases the period of time from 30 days to 6 months for a judge to extend a temporary protective order to enable the order to be served.

Domestic Violence - Temporary Protective Order - Custody of Minor Child - authorizes a judge to order a law enforcement officer to use all reasonable and necessary force to enforce a temporary custody provision of an interim or temporary protective order.

Domestic Violence Awareness - 'Tween/Teen Dating Violence Education and Awareness - encourages county boards of education to incorporate age-appropriate courses on dating violence in the health curriculum.

Domestic Violence - Duration of Protection Order - Subsequent Act of Abuse - extends the maximum duration of a final protective order from one year to two years if the court issues a final protective order against a respondent for an act of abuse committed within one year after a prior protective order expires.

Domestic Violence - Protective Orders - Notification of Service requires the Department of Public Safety and Correctional Services to notify a petitioner of the service of an interim, temporary or final protective order.

2008

Domestic Violence - Permanent Protective Order After Conviction and Imprisonment - allows a victim to request a permanent protective order if the respondent is convicted and serves a term of imprisonment of at least five years.

Domestic Violence - Enforcement of Protective Order - authorizes a judge to order a law enforcement officer to use all reasonable and necessary force to enforce a temporary custody provision of a final protective order.

2007

Prince George's County - Marriage License Fee - Increase PG 411-07 - allows Prince George's County to increase the marriage license surcharge fee from \$45 to \$60 and pay the proceeds to the Family Crisis Center of Prince George's County.

2006

Family Law - Property Disposition in Annulment and Divorce - Transfer of Jointly Owned Real Property - gives courts the power to transfer title of jointly owned real property from one spouse to the other.

Family Law - Domestic Violence - Address Confidentiality Program - requires the Office of the Secretary of State to establish an Address Confidentiality Program for victims of domestic violence.

Family Law - Denial of Custody or Visitation - Murder Convictions - prohibits a court from awarding custody or visitation with a child to a parent found guilty of first or second degree murder of the other parent or a family member residing in the household.

Howard County - Marriage License Fee - Increase - allows Howard County to increase the marriage license surcharge fee from \$35 to \$50.

2005

Family Law - Local Domestic Violence Fatality Review Teams - Authorization - allows the establishment of Domestic Violence Fatality Review Teams (DVFRT) in local jurisdictions and provides immunity from civil liability so that teams can conduct confidential reviews of fatalities and serious physical injuries in domestic violence cases.

Domestic Violence - Protective Orders - Definition of Abuse - adds stalking to acts of abuse included in the protective order.

Criminal Procedure - Sex Offenses - Prohibition Against Probation Before Judgment - eliminates PBJs for attempted rape (first and second degree) and attempted sexual offense (first and second degree).

Criminal Procedure - Sexual Crimes Involving a Minor - Term of Probation - extends probation for certain sexual abuse or sexual offense cases involving a minor from three to six years in District Court cases and from five to ten years in Circuit Court cases.

Criminal Procedure - Criminal Injuries Compensation Board - Eligibility for Awards - expands eligibility for financial compensation to include victims of abuse (spouse, child, parent) of an incarcerated abuser if the abuser resided with them and provided financial support for them prior to the incarceration.

2004

Spousal Defense - adds “threat of force” to the prosecution of marital rape.

Family Law - Property Disposition - Transfer of Family Use Personal Property - allows a judge to transfer tangible personal property to one of the parties in a divorce rather than requiring the sale of the assets or calculating a monetary award.

Maryland Uniform Child Custody Jurisdiction and Enforcement Act - reforms the court’s jurisdiction in matters related to child custody. Clarifies and improves current law related to the jurisdiction of Maryland courts regarding domestic violence cases.

Court Fees and Costs - Civil Cases - Maryland Legal Services Corporation Fund - increases the filing fees for civil actions in Circuit and District Courts. Funds used to support legal services for low income clients.

Domestic Violence - Protective Order - Penalty - creates a mandatory arrest misdemeanor (fine and/or imprisonment) for respondents who fail to surrender firearms to a law enforcement agency when ordered by a judge in a final protective order.

Public Safety - Task Force to Study Criminal Offender Monitoring by Global Positioning Systems - establishes a Task Force to study the use of GPS technology to monitor criminals.

2003

Criminal Law - Stalking - Included Acts - changes the standard required for a conviction from proving the intent of the stalker to a “reasonable person standard.” It also expands the offensive acts to include not only fear of serious bodily harm or death, but also fear of assault, rape or sexual offenses, or false imprisonment.

Sexual Offenses - Reputation and Opinion Evidence and Evidence of Prior Sexual Conduct - Admissibility - extends the

rape shield protection for adult victims to minor victims under 18. This will prevent the sexual history, sexual activity or the chastity of a victim under 18 from being introduced into a trial for rape or sexual offense in the first or second degree.

Family Law - Grounds for Absolute Divorce - expands the ability of a spouse to file for an immediate absolute divorce on the grounds of abuse of the spouse’s child.

2002

Interim Domestic Violence Orders and Interim Peace Orders - Issuance by District Court Commissioners

District Court Commissioners - Powers and Duties (Constitutional Amendment) - empowers District Court Commissioners to issue interim civil orders of protection and peace orders when the District Court is closed. A Constitutional Amendment was approved by voters in November 2002 to expand the duties of District Court Commissioners.

2001

Domestic Violence - Out-of-State Orders for Protection - Enforcement - addresses the technical difficulties faced by Maryland law enforcement officers when called upon to enforce an order for protection issued by a court outside of Maryland.

Crimes - Aggravated Cruelty to Animals - establishes aggravated cruelty to animals as a felony.

Victims’ Rights - Conditions of Pretrial or Prehearing Release - if the victim has requested reasonable protections for safety, this legislation enables the court, juvenile intake officer, or District Court commissioner to consider as a condition of pretrial release a provision of no contact with the alleged victim or the alleged victim’s home or workplace.

2000

Domestic Violence Unit Pilot Program Fund - provides funds to local sheriff’s offices and police departments to enable them to promptly enter data related to ex parte and protective orders into the Maryland Interagency Law Enforcement System (MILES).

Juvenile Law - Juvenile Court Jurisdiction - Peace Orders - transfers jurisdiction, from the District Court to the juvenile court, over peace order proceedings in which the respondent is a child.

1999

Courts and Judicial Proceedings - Peace Orders - New form of relief for anyone experiencing problems with an individual, including someone in a dating relationship, a neighbor, a stranger, etc. This no-contact order can last up to six months, with a violation resulting in arrest.

Pretrial Release - Prohibits District Court commissioners from authorizing the pretrial release of defendants charged with violating the arrestable (no-contact) provisions of protective orders.

Family Law - Domestic Violence - Relief - Grants courts the authority to order respondents of a protective order to stay away from child care providers.

1998

Family Law - Grounds for Absolute Divorce - Enables married victims of domestic violence to file immediately for absolute divorce on the grounds of “cruelty of treatment” and “excessively vicious conduct,” eliminating the former one year waiting period.

Family Law - Domestic Violence - Penalties - Increases the fine and imprisonment penalties for the misdemeanor of violating an ex parte or protective order.

1997

Domestic Violence - Protective Orders - Expands the maximum time a protective order can be in effect from 200 days to 12 months, with the possibility of a 6 month extension beyond that. Defines “residence” to include yard, grounds, outbuildings and common areas surrounding the residence. Enables a protection order to be served either in court or by first class mail.

Duties of Law Enforcement Officers - Clarifies the duties of the officer who accompanies the victim to pick up his/her possessions from the residence. Enables victims to pick up necessary personal items, such as medicine or medical devices, regardless of who paid for them.

Spousal Privilege - Prevents the spouse, who is a victim of assault, from asserting his/her marital privilege more than once. The assertion of marital privilege cannot be removed from the record, even if the case is dropped.

Manslaughter, Provocation & Adultery - Spousal adultery can no longer be used as justification to reduce a charge of murder to a charge of manslaughter.

1996

Enforcement of Out-of-State Protective Orders - Requires the state to enforce protective orders issued in another state or Indian tribe, as long as an authenticated copy is presented to law enforcement. Officers may make an arrest, with or without warrant, if they have probable cause to believe a person is in violation of a valid and current protective order from another state. Protective orders from other states can be entered into the Maryland Interagency Law Enforcement System.

The Governor’s Gun Violence Act of 1996 - Limits the possession of guns by domestic violence offenders. A court can order a person found guilty of domestic violence to surrender his or her firearms. Permits police officers to remove observed firearms from the scene. Prohibits the sale of firearms to a person subject to a protective order in a current domestic violence proceeding.

Revision of the Crime of Assault - Simplifies the crime of assault by dividing it into two degrees. The maximum penalty for second degree misdemeanor assault is no more than \$2,500 or 10 years imprisonment or both; for first degree felony assault, no more than 25 years imprisonment. Also, designates attempted rape and attempted sex offenses as felonies.

Insurance for Domestic Violence Victims - Prohibits an insurer from using domestic violence information as a guideline for the amount of coverage granted in life, health, accident, or disability insurance.

1995

Domestic Violence Act of 1995 - Mandates the arrest of violators of protection orders. Eliminates filing fees for protection orders and other court fees. Discourages dual arrest of perpetrator and victim. Prohibits granting mutual protection orders unless both parties file separately and both are primary aggressors. Lengthens the time a victim can make a report of violence from 12 to 48 hours. Improves the spousal privilege provision by eliminating the “twice in one year” requirement. Increases the possible penalty for violating a protection order from 60 days to 90 days in prison. Elements of the legislation provide for compliance with federal law in order for the state to be eligible to receive federal domestic violence funds from the Violence Against Women Act.

1994

Domestic Violence Act of 1994 - Law enforcement officers must give written notice of available services to victims of domestic violence. An officer may make a warrantless arrest if he/she has probable cause to believe that a violation of an Order has occurred, or that a battering has occurred, as long as the victim reports to police within 12 hours after the incident. Expands “victims of domestic violence” to include unmarried victims who cohabit or formerly cohabited with the batterer; this change enables these victims to receive state-funded services. In charges of marital rape, the law reduces the period of separation from 6 months to 3 months before the victim can prosecute. Allows the state to compel a spouse-victim to testify under restricted circumstances, even if the victim has asserted “spousal privilege.” Adds mental injury to child abuse laws.

1993

Stalking Penalties - Defines stalking, and makes it a misdemeanor crime. Allows for warrantless arrest under certain circumstances.

Marriage License Fees - The fee is increased to \$35.00 for certain counties.

1992

Domestic Violence - Significantly expands the Civil Order of Protection to include cohabitants, former spouses. Provides an expanded definition of abuse, an expanded “no contact” order, emergency financial assistance, and an extension of the ex parte order to 7 days, and the protection order up to 200 days.

1991

Evidence - Battered Spouse Syndrome - Expert Testimony - Allows the court to admit evidence of prior physical or psychological abuse perpetrated by a victim of murder or attempted murder upon the defendant who has been charged. Also allows the admission of expert testimony on the Battered Spouse Syndrome.

Child Custody and Visitation - Spouse Abuse - Authorizes the court to consider evidence of abuse when determining custody and visitation.

Domestic Violence - Protective Order - Vulnerable Adults -
Expands the protective order to include vulnerable adults.

1990

Domestic Violence - Warrantless Arrest - Expands warrantless arrest to include individuals living together in a domestic relationship.

1989

Rape and Sexual Offenses - Spousal Victims - Allows a spouse to be charged with rape and/or sexual offenses, as long as there is a written separation agreement, or the couple has lived separately for 6 months.

1988

Family Law - Domestic Violence - Household Members - Alters the definition of “household member” to include unmarried persons living together and having at least one minor child in common who is residing with the parents.

1987

Domestic Violence - Protective Order - Expands the ex parte order from 15 to 30 days if the abuser is not served and does not appear for the protective order hearing. Also extends the protective order from 15 to 30 days.

1986

Domestic Violence - Warrantless Arrest - An arrest may be made without warrant if the officer has probable cause to believe that a person battered his/her spouse and, unless arrested immediately, would flee or cause more injury. Requires that a report be made to police within two hours of the battering incident.

Criminal Law - Harassment - Defines and provides penalties for criminal harassment.

Marriage License Fee - Domestic Violence - Fee is increased to \$25.00.

1985

Protective Orders - Abuse by Household Members - Allows the court to proceed with a protective order hearing even if the abuser does not appear for it.

1984

Human Resources - Battered Spouse and Homeless Women’s Shelter Programs - Transfers administration of battered spouse programs to the Department of Human Resources (DHR).

Protection from Domestic Violence - A provision to protect abused children is added to the protective order.

1983

Marriage License Fee - Domestic Violence Programs - Expands the marriage license surcharge fee to include all counties; increases fee to \$15.00.

1982

Domestic Violence - Temporary Ex Parte and Ex Parte Order - Provides a slight extension in the number of days allowed to serve the Civil Order of Protection and continue the coverage provided by an ex parte order.

Marriage License Fee – Allows certain counties to assess a marriage license surcharge to be used to fund domestic violence programs.

1981

Battered Spouse Program - Provides authorization for funding battered spouse shelters statewide.

Protection from Domestic Violence - Provides a slight expansion to the Civil Order of Protection.

1980

Battered Spouse Program - Establishes state funding of battered spouse shelters in major population areas throughout the state.

Protection from Domestic Violence - The first Maryland Civil Order of Protection. The law defines abuse and household members. It establishes the ex parte order and a 15-day protective order, which could include an order to refrain from abuse, a “vacate the home” order, and an order to get counseling. Possession of the family home and temporary custody of minor children could also be granted.