



# 2018 Legislative Agenda: MNADV Priority Legislation

## **SB 170/HB388 • Criminal Procedure -Violation of Conditions of Release**

Primary Senate Sponsor: Senator Susan Lee

Primary House Sponsor: Delegate Aruna Miller

This bill gives the State an **additional tool to enforce court orders** related to pretrial and post-trial release of those charged with criminal offenses. Under current law, only a person who is charged with a sex offense against a minor may not violate a condition of pretrial or post-trial release prohibiting the person from contacting, harassing, or abusing the alleged victim of the sexual offense, nor may the person go near an alleged victim's residence or place of employment. If such a violation occurs under the current law, the person is guilty of a misdemeanor and subject to a sentence not exceeding 90 days. This bill **expands the application of this crime** to include not only those persons charged with a sexual offense against a minor, but to **those persons charged with a crime of violence** as defined in Section 5-101 of the Public Safety Article, or a **crime against a victim who is a person eligible for relief** as defined in Section 4-501 of the Family Law Article (the Civil Protective Order Statute).

## **SB 491/HB 1303 • Family Law- Domestic Violence – Permanent Protective Order**

Primary Senate Sponsor: Senator Dolores Kelley

Primary House Sponsor: Delegate Vanessa Atterbeary

This bill modifies Maryland's permanent protective order statute to **make it easier for victims of severe domestic violence to remain separated from their abusers**. It accomplishes this goal in these ways. First, the bill deletes the list of enumerated crimes that are now noted in the current law. Since the introduction of the first permanent protective order statute, the General Assembly has added crimes that to the list. We know that the abuse that may occur in the context of a civil protective order may not always meet each element of the crimes listed in the current statute. The bill **corrects this deficiency** by referring to the act of abuse that led to the protective order, instead of limiting relief to conviction of specific crimes. Second, the bill clarifies that a person eligible for relief is not prohibited from obtaining a permanent protective order only for the acts of abuse that led to the protective order, but for acts of abuse that occurred during the time of the protective order. For those dealing with incorrigible abusers, this element of the bill is important. Third, the bill expands the opportunity for a person eligible for relief to petition for a permanent protective order by allowing the petitioner to request a permanent protective order even if the person eligible for relief obtained an interim or temporary protective order.

This bill enables victims of domestic violence to receive the benefits associated with a permanent protective order – particularly the benefit of **prompt police intervention if victims are approached by respondents**. In cases where the abuse is so extreme, as evidenced by the criminal conviction which can cause the victim to be legitimately fearful for his or her life and well-being, a permanent protective order is warranted. **This bill simplifies this process.**

**For further information about the 2018 Legislative Agenda, contact:**

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