

# 2011 DOMESTIC VIOLENCE LEGISLATIVE AGENDA FINAL REPORT

## BILLS SUPPORTED BY MNADV

### PRIORITY LEGISLATION

#### **HB 819/SB 593 • Crimes – Definition of Serious Physical Injury – Strangulation and Suffocation**

The proposed legislation would facilitate the prosecution of strangulation as a crime by revising the definition of serious physical injury to include strangulation and suffocation in the first degree assault statute.

*Passed Senate. No vote taken on either bill in House Judiciary Committee.*

#### **HB 667/SB 342 • Peace Orders – Extension of Duration**

The legislation, as amended, would allow a judge the discretion to grant an extension of a peace order for an additional six months after a hearing.

*PASSED House and Senate.*

#### **HB 666/SB 480 • Courts – Peace Orders - Penalties**

The proposed legislation amends the peace order to include graduated penalties for a first offense and then a second or subsequent offense that matches the language in the protective order statute.

*PASSED House and Senate.*

#### **HB 416/SB 653 • Family Law – Domestic Violence – Definition of Abuse**

The proposed legislation would amend the definition of abuse so that abuse under the protective order includes the same elements of abuse under the peace order statute. The acts of abuse that are included in the peace order statute and are not included in the protective order statute are harassment, trespass, and malicious destruction of property.

*Unfavorable report in House Judiciary Committee and in Senate Judicial Proceedings Committee.*

#### **HB 663 • Crimes – Committing a Crime of Violence in the Presence of a Minor - Penalties**

The proposed legislation would add an enhanced penalty so that conviction for certain crimes of violence committed in the presence of a child may permit the court to impose additional jail time.

*Passed House. No vote taken in Senate Judicial Proceedings Committee.*

## OTHER BILLS SUPPORTED BY MNADV

#### **HB 386/SB 667 • Education – Tween/Teen Dating Violence (Kristin Marie Mitchell Law)**

This bill would require the State Board of Education to adopt a program to educate students about dating violence, including services provided to victims of dating violence; altering the definition of “victim of domestic violence” to include a dating relationship; and requiring the Governor to proclaim the first week in February “Tween/Teen Dating Violence Education and Awareness Week.”

*No vote in House Judiciary Committee or Ways and Means Committee. Unfavorable report in Education Health and Environmental Affairs Committee. No hearing in Senate Judicial Proceedings Committee.*

#### **HB 407/SB 747 • Domestic Violence – Cruelty Toward a Pet or Service Animal Domestic Violence - Additional Relief - Award of Temporary Possession of Pet**

This bill, as amended, would authorize a District Court Commissioner/judge to order the temporary possession of a pet in an interim, temporary, or final protective order.

*PASSED House and Senate.*

#### **HB 510 • Criminal Law – Peace Orders, Stalking, and Harassment Criminal Law - Harassment - Penalties**

This bill, as amended, would add a penalty for a second or subsequent offense for harassment.

*PASSED House and Senate.*

#### **HB 647/SB 317 • Property and Casualty Insurance Homeowners Insurance – Victims of Crimes of Violence – Discrimination Prohibited**

This bill, as amended, would prohibit insurers from using information about an individual’s status as a victim of a crime of violence to take certain actions relating to a homeowner’s insurance policy or denying payment to an innocent co-insured person.

*PASSED House and Senate.*

#### **HB 739 • 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.

*PASSED House and Senate.*

#### **HB 812/SB 617 • Public Schools – Dating Violence – Policy and Disciplinary Standards**

This bill would add dating violence to the current law that requires the reporting of bullying, harassment or intimidation, the development of a model policy prohibiting these behaviours, and developing educational programs to prevent these behaviours.

*HB 812 - Passed House. Unfavorable report in Senate Education Health and Environmental Affairs Committee.*

#### **HB 816 • Family Law – Child Custody Determinations**

This bill would specify the procedures for court determinations of legal and physical custody of minor children.

*No vote taken in House Judiciary Committee.*

#### **HB 820/SB 651 • Crimes - Domestic Violence Assault**

This bill would create a misdemeanor crime of domestic violence assault and provide for enhanced penalties for subsequent convictions.

*No vote taken in either House Judiciary Committee or Senate Judicial Proceedings Committee.*

#### **HB 1018 • Family Law – Protective Orders – Additional Relief**

This bill, as amended, would authorize a judge, in a final

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# 2011 DOMESTIC VIOLENCE LEGISLATIVE AGENDA FINAL REPORT (CONTINUED)

*Legislative Agenda Report*, continued from Page 3.

protective order, to order the respondent to remain a specified distance away from a person eligible for relief. *Passed House and Senate with different amendments.*

## **HB 1047 • Rental Housing – Tenant Victim of Domestic Violence or Sexual Assault – Lease Payment Obligation**

A follow-up to last year's Rental Housing legislation. This bill would affect a tenant's future liability in terminating a residential lease if the tenant is a victim of domestic violence or sexual assault, and it would not terminate or impact the liability of a tenant who is a respondent in a protective or peace order.

*PASSED House and Senate.*

## **HB 1169/SB 919 • Courts – Testimony by Spouses – Central Registry of Records of Refusals**

This bill would create a central registry for records relating to cases where a spouse asserted spousal privilege in an assault.

*Unfavorable report in House Judiciary Committee. Senate Judicial Proceedings Committee hearing cancelled. BILLS WITHDRAWN*

## **SB 50 • Criminal Procedure – Victim's Compensation – Temporary Lodging for Domestic Violence Victims**

This bill would enable the Criminal Injuries Compensation Board (CICB) to pay for temporary lodging for domestic violence victims. The CICB supports this legislation and will work with local domestic violence programs to provide funds for shelter or motel/hotel stays and ensure that victims receive safety planning and support services. *Passed Senate. No vote in House Judiciary Committee.*

## **SB 178/HB 162 • Criminal Law – Child Neglect – Penalties**

This bill, as amended, would create a misdemeanor crime of child neglect that would prohibit 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.

*PASSED House and Senate.*

## **SB 643 • Human Relations – Housing Discrimination – Source of Income**

This bill would prohibit a person to refuse to sell or rent a dwelling to any person because of their source of income. *No vote in Senate Judicial Proceedings Committee.*

## **SB 650/HB 1331 • Peace Orders – Surrender of Firearms**

This bill authorizes a court to order the surrender of firearms in temporary and final peace orders. *Unfavorable report in Senate Judicial Proceedings Committee. No hearing scheduled in House.*

## **SB 674 • Domestic Violence – Protective Orders – Additional Relief**

Would authorize a judge to include in a final protective order any other relief the judge determines is appropriate under

the circumstances to protect a victim of domestic violence. *No vote in Senate Judicial Proceedings Committee.*

## **BILLS OPPOSED BY MNADV**

### **HB 80 • Domestic Violence – Timely Reporting**

This bill would require that a petition for a protective order be filed within 30 days of the occurrence of the abuse. *Unfavorable report in House Judiciary Committee. BILL WITHDRAWN*

### **HB 872 • Family Law – Final Protective Order – Global Positioning Satellite Tracking**

This bill would authorize a judge to order a respondent to be monitored through a GPS device as part of a final protective order if that person presents a risk of abuse to any person eligible for relief. *[This bill was considered premature; waiting for results from pilot projects.] Unfavorable report in House Judiciary Committee.*

### **HB 922 • Criminal Procedure – Victims' Resource Center - Funding**

This bill would require GOCCP to sustain the Maryland Crime Victims' Resource Center and to provide designated funding for it from court fees. Also increases the additional court fee from \$3 to \$5. *No vote in House Judiciary Committee.*

### **HB 1052/SB 908 • Family Law – Child Custody – Visitation Rights of Noncustodial Parents**

This bill would require a court in a child custody proceeding to make certain visitation arrangements. *Unfavorable report in House Judiciary Committee. No vote in Senate Judicial Proceedings Committee.*

### **HB 1132/SB 909 • Family Law – Children's Civil Rights – Equal Parenting Time**

This bill would create a rebuttable presumption that joint legal and physical custody is in the best interest of a child. *No vote in House Judiciary Committee or Senate Judicial Proceedings Committee.*

### **SB 587 • Protective Order Violations – Mandatory Mental Health Evaluation**

Would require the court to order a person charged with a violation of a protective order to undergo a mental health evaluation. *Unfavorable report in Senate Judicial Proceedings Committee. BILL WITHDRAWN*

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