



# Maryland Network Against Domestic Violence

UPDATED 4/15/15

## 2015 DOMESTIC VIOLENCE LEGISLATIVE AGENDA FINAL REPORT

### MNADV Priority Legislation



#### **HB 225/SB 269 Domestic Violence – Additional Relief**

Primary House Sponsor: Delegate Kathleen Dumais

Primary Senate Sponsor: Senator Susan Lee

This bill expands the relief available in a final protective order by authorizing a judge to order “*any other relief that a judge determines is necessary to protect a person eligible for relief from abuse.*” This change in the law will provide greater protection and flexibility than is currently available and address the individual needs and circumstances of victims and their families.

**PASSED with amendments.**



#### **HB 224/SB 315 Domestic Violence – 2-Year Protective Order**

Primary House Sponsor: Delegate Kathleen Dumais

Primary Senate Sponsor: Senator Victor Ramirez

Clarifies that extensions of protective orders applies to consent orders.

**PASSED.**



#### **HB 606/SB 477 Domestic Violence – Persons Eligible for Relief**

Primary House Sponsor: Delegate Kathleen Dumais

Primary Senate Sponsor: Senator Victor Ramirez

This bill 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 1 year before filing of the petition.*” This provides more protection for victims/survivors of sex crimes and dating violence by moving these cases from the peace order to the protective order.

**PASSED with amendments.**

## Other Domestic Violence Bills of Interest



### **HB 227      Family Law – Domestic Violence – Definition of Abuse**

Primary House Sponsor: Delegate Angela Angel

This bill would have altered the definition of “abuse” in the protective order to include harassment, trespass, and malicious destruction of property if the person eligible for relief had not resided with the respondent for at least 7 days before the filing of the petition.

**Unfavorable Report.**



### **HB 263      Domestic Violence – Permanent Protective Orders – Conspiracy or Solicitation to Commit Murder**

Primary House Sponsor: Delegate Geraldine Valentino-Smith

This bill 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.

**PASSED.**



### **SB 270/HB 390      Protective Order and Peace Order Petitions – Maryland Residents**

Primary Senate Sponsor: Senator Susan Lee

Primary House Sponsor: Delegate Vanessa Atterbear

This bill 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.

**PASSED with amendments.**



### **SB 277/HB 807      Family Law – Protective Orders – Additional Relief**

Primary Senate Sponsor: Senator Bob Cassilly

Primary House Sponsor: Delegate Glen Glass

This bill would have authorized a judge in a final protective order to order the respondent to remain a specified distance away from the residence, place of employment, school, or temporary residence of a person eligible for relief. *Note: this bill only related to distance and was narrower than HB 225/SB 269 Domestic Violence – Additional Relief – which passed.*

**Passed House; no vote in Senate Judicial Proceedings Committee.**



### **SB 530/HB 857      Criminal Procedure – Firearms – Transfer**

Primary Senate Sponsor: Senator Jamie Raskin

Primary House Sponsor: Delegate Kathleen Dumais

This bill would require the court to order a person who is convicted of a crime of violence that is a misdemeanor “domestically related crime” to transfer all firearms owned by the person or in the person’s possession. The transfer of firearms must be made within 24 hours of the conviction to a state or local law enforcement official or to a federally licensed firearms dealer with notification to the court.

**Unfavorable report in House Judiciary; no vote in Senate Judicial Proceedings Committee.**

## Other Related Bills of Interest



### **HB 165                      Family Law – Grounds for Limited Divorce**

Primary House Sponsor: Delegate Kathleen Dumais

This bill changes the grounds for a limited divorce to enable people who are living separate and apart to file for a limited divorce. Current law requires that the separation of the parties be voluntary and without a reasonable expectation of reconciliation.

**PASSED.**



### **HB 1083/SB 550    Legal Decision Making and Parenting Time**

Primary House Sponsor: Delegate Kathleen Dumais

Primary Senate Sponsor: Senator Susan Lee

This bill was based on the recommendations of the Commission on Child Custody Decision-Making, which issued its final report in December 2014. The bill would have codified in statute a list of factors which the court must consider in making custody and visitation decisions in the “best interest of the child.” There would be no presumption of joint custody, and each custody case would be evaluated based on the particular facts and circumstances of the case.

**No vote.**



### **SB 40/HB 385            Labor and Employment – Maryland Healthy Working Families Act**

Primary Senate Sponsor: Senator Catherine Pugh

Primary House Sponsor: Delegate Luke Clippinger

This bill would have allowed workers to earn annual paid sick and safe days, up to seven days per year. The safe time component required employers to allow victims of domestic abuse or sexual assault to use their accrued paid sick leave to care for their health after these incidents or to seek legal protections or new housing. A very important bill for working families since 41% of American workers – and 80% of low wage workers – do not earn paid sick days.

**No vote.**



### **SB 74/HB 739            Task Force to Study Maternal Mental Health**

Primary Senate Sponsor: Senator Brian Feldman

Primary House Sponsor: Delegate Ariana Kelly

This bill establishes a Task Force to Study Maternal Mental Health. Because women who have had a history of physical abuse during pregnancy or the year prior to pregnancy reported nearly three times the prevalence of post-partum depression, domestic violence is an important component of this study. The MNADV will have a representative on the Task Force.

**PASSED.**

## Bills to Oppose



### **SB 650/HB 888 Family Law – Rebuttable Presumption of Joint Custody**

Primary Senate Sponsor: Senator Anthony Muse

Primary House Sponsor: Delegate Jill Carter

This bill would have established that joint legal custody or shared physical custody are presumed to be in the best interest of the child. However, in hotly contested custody disputes, “equal parenting time” and “joint legal custody” may be in direct opposition to the best interest of the child. Forcing this model in certain families will specifically hinder the healthy development of children who must deal with parents who are constantly engaged in conflict. In cases of domestic violence, joint legal and shared physical custody is nearly always inappropriate.

**No vote.**

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#### **For further information about the 2015 Legislative Agenda, contact:**

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→ **NOTE: Committee votes** are now available online on the Maryland General Assembly website.

Look under the Documents section at the bottom of the bill information page.

When a committee vote is available a link is provided to the vote record in pdf format.

**Committee hearings and general sessions** may be accessed online through audio and/or video.

Check the Maryland General Assembly website for the headphone or video camera icon.

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. The Network accomplishes this goal by providing education, training, resources, and advocacy to advance victim safety and abuser accountability.