

SB0393/158576/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 393
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 4 down through “abuse” in line 5 and substitute “requiring the court to issue a new final protective order against an individual under certain circumstances; limiting the relief that a court is authorized to grant in a final protective order issued under this Act; establishing that a final protective order issued under this Act is permanent unless terminated at the request of the victim”.

AMENDMENT NO. 2

On page 2, strike beginning with “RESPONDENT” in line 11 down through “(G)(3)” in line 13 and substitute “COURT ISSUES A PERMANENT ORDER UNDER SUBSECTION (H)”.

On page 4, in line 32, in each instance, strike the bracket; and in the same line, strike “PARAGRAPHS (2) AND (3)”.

On page 5, strike in their entirety lines 4 through 7, inclusive, and substitute:

“(H) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE COURT SHALL ISSUE A NEW FINAL PROTECTIVE ORDER AGAINST AN INDIVIDUAL IF:

(I) THE INDIVIDUAL WAS PREVIOUSLY A RESPONDENT UNDER THIS SUBTITLE AGAINST WHOM A FINAL PROTECTIVE ORDER WAS ISSUED;

(Over)

(II) THE INDIVIDUAL WAS CONVICTED AND SERVED A TERM OF IMPRISONMENT OF AT LEAST 5 YEARS UNDER § 2-205, § 2-206, § 3-202, § 3-303, § 3-304, § 3-305, § 3-306, § 3-309, § 3-310, § 3-311, OR § 3-312 OF THE CRIMINAL LAW ARTICLE FOR THE ACT OF ABUSE THAT LED TO THE ISSUANCE OF THE FINAL PROTECTIVE ORDER; AND

(III) THE VICTIM OF THE ABUSE WHO WAS THE PERSON ELIGIBLE FOR RELIEF IN THE ORIGINAL FINAL PROTECTIVE ORDER REQUESTS THE ISSUANCE OF A NEW FINAL PROTECTIVE ORDER.

(2) IN A FINAL PROTECTIVE ORDER ISSUED UNDER THIS SUBSECTION, THE COURT MAY GRANT ONLY THE RELIEF THAT WAS GRANTED IN THE ORIGINAL PROTECTIVE ORDER UNDER SUBSECTION (D)(1) OR (2) OF THIS SECTION.

(3) UNLESS TERMINATED AT THE REQUEST OF THE VICTIM, A FINAL PROTECTIVE ORDER ISSUED UNDER THIS SUBSECTION SHALL BE PERMANENT.”.