

Chapter 142

(House Bill 1160)

AN ACT concerning

Family Law – Interim and Temporary Peace and Protective Orders – Duration

FOR the purpose of extending the duration of ~~a~~ an interim or temporary peace or protective order or a temporary protective order under certain circumstances; requiring a court to hold a temporary or final peace or protective order hearing by a certain time under certain circumstances; and generally relating to peace orders and protective orders.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–1503.1(d)(1) and (g), 3–1504(c), and 3–1505(b)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–504.1(e)(1) and (h), 4–505(c), and 4–506(b)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2011 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

3–1503.1.

(d) (1) (i) An interim peace order shall state the date, time, and location for the temporary peace order hearing and a tentative date, time, and location for a final peace order hearing.

(ii) [A] EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, OR UNLESS THE COURT CONTINUES THE HEARING FOR GOOD CAUSE, A temporary peace order hearing shall be held on the first or second day on which a District Court judge is sitting after issuance of the interim peace order[, unless the court continues the hearing for good cause].

(g) **(1) [An] EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, AN interim peace order shall be effective until the earlier of:**

[(1)] (I) The temporary peace order hearing under § 3–1504 of this subtitle; or

[(2)] (II) The end of the second business day the Office of the Clerk of the District Court is open following the issuance of an interim peace order.

(2) IF THE COURT IS CLOSED ON THE DAY ON WHICH THE INTERIM PEACE ORDER IS DUE TO EXPIRE, THE INTERIM PEACE ORDER SHALL BE EFFECTIVE UNTIL THE NEXT DAY ON WHICH THE COURT IS OPEN, AT WHICH TIME THE COURT SHALL HOLD A TEMPORARY PEACE ORDER HEARING.

3–1504.

(c) (1) **[The] EXCEPT AS OTHERWISE PROVIDED IN THIS ~~SECTION~~ SUBSECTION, THE** temporary peace order shall be effective for not more than 7 days after service of the order.

(2) The judge may extend the temporary peace order as needed, but not to exceed 30 days, to effectuate service of the order where necessary to provide protection or for other good cause.

(3) IF THE COURT IS CLOSED ON THE DAY ON WHICH THE TEMPORARY PEACE ORDER IS DUE TO EXPIRE, THE TEMPORARY PEACE ORDER SHALL BE EFFECTIVE UNTIL THE ~~NEXT~~ SECOND DAY ON WHICH THE COURT IS OPEN, BY WHICH TIME THE COURT SHALL HOLD A FINAL PEACE ORDER HEARING.

3–1505.

(b) (1) (i) The temporary peace order shall state the date and time of the final peace order hearing.

(ii) **[Unless] EXCEPT AS PROVIDED IN § 3–1504(C) OF THIS SUBTITLE, OR UNLESS** continued for good cause, the final peace order hearing shall be held no later than 7 days after the temporary peace order is served on the respondent.

Article – Family Law

4–504.1.

(e) (1) (i) An interim protective order shall state the date, time, and location for the temporary protective order hearing and a tentative date, time, and location for a final protective order hearing.

(ii) [A] EXCEPT AS PROVIDED IN SUBSECTION (H) OF THIS SECTION, OR UNLESS THE JUDGE CONTINUES THE HEARING FOR GOOD CAUSE, A temporary protective order hearing shall be held on the first or second day on which a District Court judge is sitting after issuance of the interim protective order[, unless the judge continues the hearing for good cause].

(h) (1) [An] EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, AN interim protective order shall be effective until the earlier of:

[(1)] (I) the temporary protective order hearing under § 4-505 of this subtitle; or

[(2)] (II) the end of the second business day the Office of the Clerk of the District Court is open following the issuance of an interim protective order.

(2) IF THE COURT IS CLOSED ON THE DAY ON WHICH THE INTERIM PROTECTIVE ORDER IS DUE TO EXPIRE, THE INTERIM PROTECTIVE ORDER SHALL BE EFFECTIVE UNTIL THE NEXT DAY ON WHICH THE COURT IS OPEN, AT WHICH TIME THE COURT SHALL HOLD A TEMPORARY PROTECTIVE ORDER HEARING.

4-505.

(c) (1) [The] EXCEPT AS OTHERWISE PROVIDED IN THIS ~~SECTION~~ SUBSECTION, THE temporary protective order shall be effective for not more than 7 days after service of the order.

(2) The judge may extend the temporary protective order as needed, but not to exceed 6 months, to effectuate service of the order where necessary to provide protection or for other good cause.

(3) IF THE COURT IS CLOSED ON THE DAY ON WHICH THE TEMPORARY PROTECTIVE ORDER IS DUE TO EXPIRE, THE TEMPORARY PROTECTIVE ORDER SHALL BE EFFECTIVE UNTIL THE ~~NEXT~~ SECOND DAY ON WHICH THE COURT IS OPEN, BY WHICH TIME THE COURT SHALL HOLD A FINAL PROTECTIVE ORDER HEARING.

4-506.

(b) (1) (i) The temporary protective order shall state the date and time of the final protective order hearing.

(ii) [Unless] EXCEPT AS PROVIDED IN § 4-505(C) OF THIS SUBTITLE, OR UNLESS continued for good cause, the final protective order hearing shall be held no later than 7 days after the temporary protective order is served on the respondent.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, April 10, 2012.