

# HOUSE BILL 253

D4

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By: Delegates Valentino–Smith, Atterbeary, Dumais, Fennell, W. Fisher, Lehman,  
McComas, Pena–Melnik, Proctor, Stewart, and Sydnor

Introduced and read first time: January 24, 2019

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Final Protective Orders – Relief – Transfer of Wireless Telephone Service**

3 FOR the purpose of authorizing the court, in a ~~temporary protective order or a final~~  
4 protective order, to order a wireless telephone service provider to transfer to a person  
5 eligible for relief the billing responsibility for and the right to continue the use of a  
6 certain telephone number under certain circumstances; ~~requiring the court to serve~~  
7 ~~a certain order on a wireless telephone service provider's resident agent; requiring a~~  
8 ~~wireless telephone service provider to comply with a certain order within a certain~~  
9 ~~time frame unless the wireless telephone service provider provides certain notice~~  
10 requiring a wireless telephone service provider to comply with a certain order unless  
11 the wireless telephone service provider cannot operationally or technically effectuate  
12 the order; requiring a certain order to include certain information; providing that a  
13 certain order terminates the respondent's financial responsibility for and use of a  
14 certain telephone number; prohibiting a wireless telephone service provider from  
15 charging a person eligible for relief a certain fee; establishing that a wireless  
16 telephone service provider's standard requirements for establishing an account and  
17 transferring a telephone number apply to a transfer required under this Act;  
18 providing that a wireless telephone service provider is immune from civil liability for  
19 complying with a certain order; requiring the court to ensure that certain  
20 information is not disclosed to an account holder in certain proceedings; and  
21 generally relating to protective orders and wireless telephone service.

22 BY repealing and reenacting, with amendments,  
23 Article – Family Law

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section ~~4-505(a)(2)(viii) and (ix)~~ and 4-506(d)(13) and (14)  
 2 Annotated Code of Maryland  
 3 (2012 Replacement Volume and 2018 Supplement)

4 BY adding to  
 5 Article – Family Law  
 6 Section ~~4-505(a)(2)(x)~~, ~~4-506(d)(14)~~, 4-506(d)(14) and 4-506.2  
 7 Annotated Code of Maryland  
 8 (2012 Replacement Volume and 2018 Supplement)

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

11 **Article – Family Law**

12 ~~4-505.~~

13 ~~(a) (2) The temporary protective order may order any or all of the following~~  
 14 ~~relief:~~

15 ~~(viii) order the respondent to surrender to law enforcement authorities~~  
 16 ~~any firearm in the respondent's possession, and to refrain from possession of any firearm,~~  
 17 ~~for the duration of the temporary protective order if the abuse consisted of:~~

18 ~~1. the use of a firearm by the respondent against a person~~  
 19 ~~eligible for relief;~~

20 ~~2. a threat by the respondent to use a firearm against a~~  
 21 ~~person eligible for relief;~~

22 ~~3. serious bodily harm to a person eligible for relief caused by~~  
 23 ~~the respondent; or~~

24 ~~4. a threat by the respondent to cause serious bodily harm to~~  
 25 ~~a person eligible for relief; [and]~~

26 ~~(ix) award temporary possession of any pet of the person eligible for~~  
 27 ~~relief or the respondent; OR~~

28 ~~(x) SUBJECT TO § 4-506.2 OF THIS SUBTITLE, ON REQUEST OF~~  
 29 ~~THE PERSON ELIGIBLE FOR RELIEF, ORDER A WIRELESS TELEPHONE SERVICE~~  
 30 ~~PROVIDER TO TRANSFER TO THE PERSON ELIGIBLE FOR RELIEF THE BILLING~~  
 31 ~~RESPONSIBILITY FOR AND THE RIGHT TO CONTINUE USE OF ANY TELEPHONE~~  
 32 ~~NUMBER USED BY THE PERSON ELIGIBLE FOR RELIEF OR A MINOR CHILD IN THE~~  
 33 ~~PERSON'S CUSTODY.~~

1 4-506.

2 (d) The final protective order may include any or all of the following relief:

3 (13) award temporary possession of any pet of the person eligible for relief  
4 or the respondent; [or]

5 (14) SUBJECT TO § 4-506.2 OF THIS SUBTITLE, ON REQUEST OF THE  
6 PERSON ELIGIBLE FOR RELIEF, ORDER A WIRELESS TELEPHONE SERVICE PROVIDER  
7 TO TRANSFER TO THE PERSON ELIGIBLE FOR RELIEF THE BILLING RESPONSIBILITY  
8 FOR AND THE RIGHT TO CONTINUE USE OF ANY TELEPHONE NUMBER USED BY THE  
9 PERSON ELIGIBLE FOR RELIEF OR A MINOR CHILD IN THE PERSON'S CUSTODY IF THE  
10 PERSON ELIGIBLE FOR RELIEF IS NOT THE ACCOUNT HOLDER; OR

11 [(14)] (15) order any other relief that the judge determines is necessary to  
12 protect a person eligible for relief from abuse.

13 4-506.2.

14 (A) ~~(1) THE COURT SHALL SERVE AN ORDER ISSUED UNDER §~~  
15 ~~4-505(A)(2)(X) OR § 4-506(D)(14) OF THIS SUBTITLE ON THE WIRELESS TELEPHONE~~  
16 ~~SERVICE PROVIDER'S RESIDENT AGENT.~~

17 ~~(2) A WIRELESS TELEPHONE SERVICE PROVIDER SHALL COMPLY~~  
18 ~~WITH THE ORDER WITHIN 72 HOURS AFTER SERVICE OF THE ORDER, AN ORDER~~  
19 ~~ISSUED UNDER § 4-506(D)(14) OF THIS SUBTITLE UNLESS THE WIRELESS~~  
20 ~~TELEPHONE SERVICE PROVIDER NOTIFIES THE PERSON ELIGIBLE FOR RELIEF AND~~  
21 ~~THE COURT THAT; NOTIFIES THE COURT THAT THE WIRELESS TELEPHONE SERVICE~~  
22 ~~PROVIDER CANNOT OPERATIONALLY OR TECHNICALLY EFFECTUATE THE ORDER.~~

23 ~~(I) AN ACCOUNT HOLDER ALREADY TERMINATED THE~~  
24 ~~ACCOUNT ASSOCIATED WITH THE TELEPHONE NUMBER; OR~~

25 ~~(II) THE REQUESTED TRANSFER, IF COMPLETED, WOULD:~~

26 ~~1. IMPAIR THE PROPER FUNCTION OF A WIRELESS~~  
27 ~~DEVICE;~~

28 ~~2. RESULT IN NETWORK OR SERVICE DISRUPTION; OR~~

29 ~~3. CAUSE A TECHNICAL OR OPERATIONAL PROBLEM.~~

30 (B) AN ORDER ISSUED UNDER ~~§ 4-505(A)(2)(X) OR § 4-506(D)(14)~~ OF THIS  
31 SUBTITLE:

1 (1) SHALL INCLUDE:

2 (I) THE NAME AND BILLING TELEPHONE NUMBER OF THE  
3 ACCOUNT HOLDER; ~~AND~~

4 (II) THE NAME AND CONTACT INFORMATION OF THE PERSON TO  
5 WHOM THE TELEPHONE NUMBER WILL BE TRANSFERRED; AND

6 (III) EACH TELEPHONE NUMBER TO BE TRANSFERRED TO THE  
7 PERSON ELIGIBLE FOR RELIEF; AND

8 (2) TERMINATES THE RESPONDENT'S FINANCIAL RESPONSIBILITY  
9 FOR AND USE OF THE TRANSFERRED TELEPHONE NUMBER.

10 (C) (1) A WIRELESS TELEPHONE SERVICE PROVIDER MAY NOT CHARGE  
11 THE PERSON ELIGIBLE FOR RELIEF A FEE FOR TRANSFERRING A TELEPHONE  
12 NUMBER UNDER THIS SECTION.

13 (2) A WIRELESS TELEPHONE SERVICE PROVIDER'S STANDARD  
14 REQUIREMENTS FOR ESTABLISHING AN ACCOUNT AND TRANSFERRING A  
15 TELEPHONE NUMBER APPLY TO A TRANSFER UNDER THIS SECTION, INCLUDING:

16 (I) PROOF OF THE IDENTITY OF THE PERSON ELIGIBLE FOR  
17 RELIEF;

18 (II) THE FINANCIAL INFORMATION OF THE PERSON ELIGIBLE  
19 FOR RELIEF; AND

20 (III) THE CUSTOMER PREFERENCES OF THE PERSON ELIGIBLE  
21 FOR RELIEF.

22 (D) A WIRELESS TELEPHONE SERVICE PROVIDER IS IMMUNE FROM CIVIL  
23 LIABILITY FOR COMPLYING WITH AN ORDER ISSUED UNDER ~~§ 4-505(A)(2)(X) OR §~~  
24 ~~4-506(D)(14)~~ OF THIS SUBTITLE.

25 (E) THE COURT SHALL ENSURE THAT THE CONTACT INFORMATION OF THE  
26 PERSON ELIGIBLE FOR RELIEF IS NOT DISCLOSED TO THE ACCOUNT HOLDER IN ANY  
27 PROCEEDING UNDER THIS SUBTITLE.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2019.