



2016 Legislative Wrap-Up

The 2016 Maryland Legislative Session was a session like no other, with a record-number of bills submitted for debate and many high profile pieces of legislation being held on to until the last few moments before Sine Die. As always, the Women's Law Center of Maryland (WLC) played an active role in Annapolis this year, monitoring over 100 bills, providing written testimony on 70 bills, and oral testimony in more than 30 hearings. In addition, 26 legislative alerts were sent via email and posted on Facebook to galvanize grassroots action. Ultimately, 19 bills were signed into law by the governor, an additional 2 were enacted into law without the Governor's signature, and all the bills opposed by the WLC were defeated. While there were several bitter losses, this session saw great progress in the areas of family law, reproductive rights, and employment law. Nevertheless, today's victories are no guarantee of future successes - we know we need to remain vigilant in the fight to expand women's rights and access to justice. Below is a summary of those bills on which the WLC took a specific position and their corresponding outcomes.

Family Law

- **HB 274/SB 359 - Divorce Corroboration of Testimony and Filing Procedures**

This bill will do away with the antiquated need for a corroborating witness in divorce cases. The WLC supported this legislation as it is a modest effort at simplifying our divorce laws and it would simplify the process, in a logical manner, for parties seeking a divorce on the "mutual consent to divorce."

WLC Position: Support

Outcome: Passed - Signed Into Law on May 10, 2016

- **HB 1386/SB 962 - Divorce - Presumption of Joint Custody**

This bill would have created a presumption of joint legal custody and physical custody for equal periods of time for each parent. The WLC opposed the bill, particularly as there was no exception for situations in which there has been domestic violence. The current standard of "best interests of the child" is the most child centered and appropriate standard for custody decision-making.

WLC Position: Oppose

Outcome: Failed

- **HB 1120 – Family Law – Automatic Injunction**
 House Bill 1120 would have created an injunction process that would prohibit parties in family law cases from relocating, using certain assets of the family and making changes to insurance and utilities, among other things. The WLC opposed this bill as it could create an untenable situation for certain economically dependent spouses, especially those subject to domestic violence, including being subject to the power and control dynamic.
WLC Position: Oppose
Outcome: Failed
- **HB 1183 – Divorce – Restoration of Former Name**
 House Bill 1183 would have allowed a person who has divorced to seek to resume the use of a former name after the divorce case has been resolved. The WLC supported HB 1183 as it would allow divorced people who either were not ready to change their name at the time of the divorce, or did not understand the process for doing so, the ability to move forward in their lives with the name that they want to use. It would not force these people to have to seek a name change through the much more complicated process for name change not attendant to divorce.
WLC Position: Support
Outcome: Failed
- **SB 358 – Divorce on Grounds of Mutual Consent – Parties With Minor Children**
 Senate Bill 358 would have expanded the ground of mutual consent in our divorce laws to enable parties with minor children to obtain a divorce if they meet the other requirements of this particular ground. The Women’s Law Center (WLC) supported the bill as it would assist people with children who are able to resolve their cases without court intervention to use this ground for divorce.
WLC Position: Support
Outcome: Failed
- **HB 1232/ SB 978 – Family Law – Legal Decision Making and Parenting Time**
 House Bill 1232/Senate Bill 978 would have provided a much needed overhaul and update to our custody laws in Maryland. The WLC supported this legislation because it codified existing Maryland case law regarding custody determinations into a statute that continues to rely on the best interest of the child standard, but allows litigants to know what factors a court considers in custody cases.
WLC Position: Support
Outcome: Failed

Domestic Violence

- **HB 155/SB 278 – Criminal Law – Stalking**

This legislation alters the definition of stalking within Maryland's criminal code to include when a perpetrator *knew or reasonably should have known* their acts would cause serious emotional distress. In this way, a conviction for the crime of stalking would appropriately punish the people who engage in a type of psychological torture against their victim. The WLC was proud to support this legislation as we have seen first-hand in our Protective Order and Advocacy Representation Project a need for a more effective tool to stop this form of intimidation.

WLC Position: Support

Outcome: Passed – Signed Into Law on May 19, 2016

- **HB 314/SB 346 – Peace Orders – Grounds for Relief**

This new law will add several acts to the definition of abuse in the Peace Order statute and juvenile peace order statute, modernizing Maryland's statutes to include common behaviors that perpetrators engage in to abuse and harass their victims that are not currently captured under other provisions in the statute. This law adds the following to that list:

- Misuse of telephone facilities and equipment under § 3-804 of the Criminal Law Article;
- Misuse of Electronic Communication or interactive computer service under § 3-805 of the Criminal Law Article;
- Revenge Porn under § 3-809 of the Criminal Law Article;
- Visual Surveillance under §§ 3-901, 3-902, 3-903 of the Criminal Law Article.

These additions will address the fact that modern technology can be manipulated to cause trauma and fear in others, allowing victims to obtain safety and peace of mind.

WLC Position: Support

Outcome: Passed – Signed Into Law on May 19, 2016

- **HB 534/SB 924 – Family Law – Protective Orders – Notification of Service – Sunset Repeal**

This legislation repeals the sunset provision of the notification of service in protection order cases through the VINE PO program. By providing victims with notification of when a respondent has been served with an interim or temporary protective order, the program is of great importance in providing safety and security to victims of domestic violence.

WLC Position: Support

Outcome: Passed – Signed Into Law on May 10, 2016

- **HB 1091/SB 437 - Criminal Law - Committing a Crime of Violence in the Presence of a Minor - Repeal of Residence Requirement**

Whereas under current law, sentence enhancements are only permitted for crimes of violence committed in front of a child in the child's residence, Senate Bill 437 would have allowed for the enhancement regardless of where the crime occurred. This law would have properly reflected that crimes in front of minors occur in locations other than just inside the residence.

WLC Position: Support

Outcome: Failed

- **HB 167/SB 578 - Domestic Violence - Person Eligible for Relief**

This legislation would have altered the definition of a "person eligible for relief" in our protective order statute to make a clarification under our current law. We supported its attempt to bring clarity to our existing law, and to include familial relationships in the protective order statute rather than the peace order statute.

WLC Position: Support

Outcome: Failed

- **HB 819 - Domestic Violence - Permanent Protective Orders - Probation and Suspended Sentence**

House Bill 819 would have clarified how to interpret the issue of sentencing for the purposes of issuing a permanent protective order so that all jurisdictions would be assessing cases in the same way. We supported HB 819 as it would have brought clarity to our existing law and provide protection and security for those survivors of intimate partner violence who have been the target of the more serious and egregious acts against them.

WLC Position: Support

Outcome: Failed

- **HB 1396/SB 960 - Family Law - Domestic violence - Definition of Abuse**

This legislation would have added harassment and malicious destruction of property to the definition of abuse in the domestic violence law in Md. Code Family Law §4-501. Both of these additions would aid victims of intimate partner violence in situations which currently do not fall under the definition such that she or he can seek a protective order.

WLC Position: Support, with amendments

Outcome: Failed

- **HB 866/SB 833 - Civil Right to Counsel - Pilot Program - Domestic Violence**

This legislation would have required the Governor to include specified appropriations to provide legal representation to certain low income individuals in protective order proceedings in Harford County and Prince George's County. We supported this bill as a recognition that some civil cases implicate issues of such magnitude that a right to counsel should attach.

WLC Position: Support

Outcome: Failed

- **HB 1001/SB 943 - Criminal Procedure - Firearms - Transfer**

This legislation would have created a process for the relinquishment of firearms in certain circumstances and provided a framework for ensuring that abusers who are disqualified from gun ownership properly surrender their guns, thereby increasing safety for victims of domestically related crimes.

WLC Position: Support

Outcome: Failed

- **HB 1371 - Criminal Law - Strangulation - Lethality Screening Protocol and Training**

While this legislation began as an attempt to modify the criminal code as to the crime of strangulation, by adding it to the definition of first degree assault, the final version of the bill requires the Police Training Commission to develop protocol and trainings for Lethality Screening when investigating complaints of domestic violence and assault by strangulation.

WLC Position: Support, with amendments

Outcome: Passed - Signed Into Law on May 19, 2016

- **SB 1047 - Task Force to Study Recording Deeds for Victims of Domestic Violence**

This legislation creates a task force to examine how to keep sensitive information, which may be used by an abuser against their victim, confidential while adhering to deed recordation requirements. Its goal is to develop a means to protect survivors of domestic violence who want to move forward in their lives with ownership of land and buildings (often a home) but are unable to do so out of fear that their abuser will learn their whereabouts once the deed is recorded and made public record.

WLC position: Support

Outcome: Passed - Signed Into Law on May 19, 2016

Employment

- **HB 1003/SB 481 - Labor and Employment - Equal Pay for Equal Work**
Making Maryland a leader in combating the gender pay gap, this legislation makes important structural changes to the existing equal pay law by extending the protection to Maryland citizens based on their gender identity as well as birth gender, outlawing practices such as “Mommy tracking” by requiring employers to provide equally favorable employment opportunities for both genders, and addressing a threshold barrier to equality: work rules that forbid discussion of wages among employees.
WLC Position: Support
Outcome: Passed - Signed Into Law on May 19, 2016
- **HB 1004 - Equal Pay Commission - Establishment**
House Bill 1004 creates a commission with the single aim of studying the causes and possible remedies to pay discrimination on the basis of sex, race or gender identity. The Commission will be populated with unpaid representatives of labor, business, higher education, and advocacy organizations who have studied the problem, and will have access to state-wide pay data in the public and private sectors.
WLC Position: Support
Outcome: Passed - Signed Into Law on May 19, 2016
- **HB 740/SB 485 - Labor and Employment - Task Force to Study Family and Medical Leave Insurance**
As amended, this legislation establishes a task force to study the development of a State social insurance program that provides short-term benefits to eligible employees who would otherwise lose wages while on leave to care for themselves, their family members, or their newly born or adopted child. The task force will report on existing policies in other jurisdictions as well as related reports and studies. It is a first and necessary step that demonstrates that demonstrates Maryland’s commitment to working families by helping to protect their health, stability, and wellbeing.
WLC Position: Support
Outcome: Passed - Enacted into Law on May 28, 2016 Without the Governor’s Signature, Pursuant to Article II, Section 17(C) of the Maryland Constitution

- **HB 1175/SB 664 – Fair Scheduling, Wages, and Benefits Act**
 Under this proposed law, changes would have been made to create an enormous difference in the lives of working parents, workers seeking to further their careers through additional education, and other people with multiple claims to their time, by requiring employers to plan schedules ahead of time, so that workers are not caught in the catch-22 of choosing between their jobs and their other commitments.
WLC Position: Support
Outcome: Failed
- **HB 401/SB 994 – Labor and Employment – Equal Pay for Equal Work – Revisions**
 This legislation looked to first study the causes and possible remedies for pay discrimination, and then to reduce the potential for perpetuation, by using past salary history, of gender-based pay discrimination.
WLC Position: Support
Outcome: Failed
- **HB 580/SB 472 – Labor and Employment – Maryland Healthy Working Families Act**
 This bill requires employers to provide employees with earned safe and sick time to address their own health needs, to care for family members and to deal with the effects of domestic violence. It provides a reasonable and comprehensive approach to ensuring an important benefit that protects the health and safety of workers and the community. If passed, it will ensure that women do not have to weigh physical health against economic stability because paid sick leave will be available to them.
WLC Position: Support
Outcome: Failed
- **HB 1293 – Labor and Employment – Break Time for Expression of Breast Milk by Employees – Requirement**
 Virtually identical to provisions included under the Affordable Care Act, House Bill 1293 would have required all Maryland employers to provide a place and time for new mothers to express breast milk, thereby helping female workers keep their jobs, and care for their newborn children’s needs for breast milk.
WLC Position: Support
Outcome: Failed
- **HB 1478 – Employment Discrimination – Sexual Harassment – Definition of Employer**
 Expanding upon protections for victims of sexual harassment under existing anti-discrimination law, House Bill 1478 would have made the

laws applicable to all employers, without exemption for small businesses with less than 15 employees. Employees of small employers should not be left without any protection if they are sexually harassed by the owner or a supervisor of a company.

WLC Position: Support

Outcome: Failed

Human and Civil Rights

- **HB 519/SB 903 – Courts – Statute of Limitations – Civil Actions Arising Out of Human Rights Abuses**

This legislation would have extended the statute of limitations to ten years for certain enumerated crimes, which are characterized as being crimes against humanity, including “rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization, or other sexual violence of comparable severity,” as well as an extrajudicial killing or attempted extrajudicial killing (as defined in 28 USC § 1350 note), forced labor (18 USC § 1589), Human Trafficking (18 USC § 1590) or sex trafficking (18 USC § 1591).

WLC Position: Support

Outcome: Failed

- **HB 759 – The Home Act of 2016**

This bill would have amended Maryland’s Fair Housing law to prohibit discrimination by landlords and other property owners based on the source of the income the prospective renter will be using to pay for the housing. Amongst the sources of income would be government assistance, rental assistance programs (Section 8 vouchers), alimony or child support – many of which can disproportionately affect women.

WLC Position: Support

Outcome: Failed

- **HB 623/SB 866 – Criminal Procedure – Post-Conviction Review – Conviction of Human Trafficking Victim**

This legislation would have expanded the impact of Maryland’s “vacating convictions” law by explicitly including labor trafficking survivors, as well as increasing the type of convictions eligible for vacatur. We supported this bill because it would enhance the effectiveness of Maryland’s response to human trafficking by improving access to justice for survivors who have been criminalized as a result of their involvement with a trafficker.

WLC Position: Support

Outcome: Failed

Reproductive Rights

- **HB 1005/SB 848 - Health Insurance - Contraceptive Equity Act**
This first-in-the-nation legislation fills gaps left after the passage of the Affordable Care Act, ensuring that Maryland families have access to the best contraception method for their families. It expands the number of contraception options covered without copayments, requires health insurers to cover up to 6 months of contraception at a time, requires the coverage of over-the-counter contraception methods approved by the FDA, and increases coverage of vasectomies.
WLC Position: Support
Outcome: Passed - Signed into law on May 10, 2016
- **HB 603/SB 749 - Pain Capable Unborn Child Protection Act**
This legislation was an outrageous attempt to outlaw abortion after twenty weeks of gestation, based on contested medical assertions and intervening with very personal decisions that women have a constitutional right to make, and should make, in consultation with their doctors.
WLC Position: Oppose
Outcome: Failed
- **SB 626 - Health - Medical Procedures - Ultrasound Options**
Senate Bill 626 would have unnecessarily interfered with the doctor/patient relationship by requiring abortion providers to offer patients the opportunity to view an ultrasound of the fetus prior to the abortion procedure if an ultrasound was to be performed at any time prior to the abortion procedure. The WLC will always oppose such targeted legislation; a woman is entitled to open communication with her health care provider that is free from political interference.
WLC Position: Oppose
Outcome: Failed

Sexual Assault

- **HB 218/SB 235 - Courts - Evidence of Prior Sexual Offense - Admissibility**
This legislation would have allowed a court to admit evidence of prior sexual offenses in certain criminal cases and under certain circumstances, bringing Maryland closer in compliance with the Federal Rules of Evidence.
WLC Position: Support
Outcome: Failed

- **HB 646/SB 593 - Family Law - Child Conceived Without Consent - Termination of Parental Rights (Rape Survivor Family Protection Act)**

This legislation, which was proposed for the seventh time this past year, would have had a tremendous effect on the lives of some of the most vulnerable women in the state. First, if a child is conceived as a result of a rape and the mother chooses to place the child for adoption, the bill would allow the Court to determine the child had been conceived through rape and exclude the rapist from further participation in the adoption process. Second, if a child is conceived as a result of a rape and the mother chooses to raise the child, the bill would prohibit awarding custody or visitation to the rapist except in limited circumstances where supervised visitation is in the best interests of the child.

WLC Position: Support

Outcome: Failed