



2015 Legislative Wrap-Up

The Women's Law Center of Maryland (WLC) was proud to monitor over 70 bills in the 2015 Maryland Legislative Session, providing written testimony on 57 bills and oral testimony in over 20 hearings. We sent out over a dozen alerts calling on our supporters to contact legislators on 24 separate bills. While this session saw progress in the areas of family law, domestic violence, and human trafficking, we know we need to remain vigilant in protecting our reproductive rights and seeking to expand our economic policies to support more women in the workplace. Below is a summary of those bills on which the WLC took a specific position and their corresponding outcomes.

DOMESTIC VIOLENCE

HB224/SB315 – Domestic Violence – 2 Year Protective Orders

This bill provides that, under specific circumstances, and by consent of the respondent, a court may issue a protective order for a period not to exceed 2 years. The WLC supported this bill because it is really just a technical fix to clarify the intent behind the existing law of two year orders of protection.

WLC Position: Support

Outcome: PASSED

HB225/SB269 – Domestic Violence – Additional Relief

This bill expands the relief that may be awarded in a final protective order to include any other relief that a judge determines is necessary to protect a person eligible for relief from abuse.

The WLC supported this bill as it would allow judges, when it is deemed necessary by the judge, to order something in addition to the currently enumerated forms of relief.

WLC Position: Support

Outcome: PASSED

HB390/SB270 – Protective Order and Peace Order Petitions – Maryland Residents

This bill authorizes the filing of a protective 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; and similarly authorizes the filing of a peace order petition if a specified act is alleged to have occurred in the State or if the petitioner is a resident of the State. The WLC supported this bill because it recognizes that domestic violence knows no borders and victims of domestic violence need to be able to seek the protection of the court, regardless of where it occurred, in order to be safe.

WLC Position: Support

Outcome: PASSED

HB263 – Domestic Violence – Permanent Protective Orders – Conspiracy or Solicitation to Commit Murder

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 under specified circumstances. The WLC supported this bill as it would aid the unfortunate victim of intimate partner violence whose abuser is so determined to end the victim's life that he or she would contract with another to get it done.

WLC Position: Support

Outcome: PASSED

HB606/SB477 – Domestic Violence – Persons Eligible for Relief

This bill alters the definition of "person eligible for relief" for a protective order to include an individual who has had a sexual relationship with the respondent within the past year. The WLC supported this bill as an effort to afford more protections for victims who have had a sexual relationship with the respondent or are in a dating relationship.

WLC Position: Support

Outcome: PASSED

HB227 – Family Law – Domestic Violence – Definition of Abuse

This bill would have altered the definition of "abuse" for purposes of domestic violence laws to include harassment and malicious destruction of property. The WLC supported this bill as it would have allowed victims of domestic violence to seek safety from the courts in additional common circumstances that typify an abusive relationship.

WLC Position: Support

Outcome: Failed – Unfavorable Report

HB807/SB277 – Family Law – Protective Orders – Additional Relief

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. The WLC supported this bill because it was a simple adjustment to the current law that would afford appropriate petitioners necessary relief according to the circumstances.

WLC Position: Support

Outcome: Failed – No Senate Committee Action Taken

FAMILY LAW

SB472 – Family Law – Grounds for Divorce – Mutual Consent

This bill allows a court to decree an absolute divorce on the grounds of mutual consent if the parties have no minor children and have a written settlement agreement resolving certain contested issues such as alimony and the distribution of property. The WLC supported this bill because there is no sound public policy justification nor any other reason for the state to make people wait when they are both agree they desire to terminate the marriage.

WLC Position: Support

Outcome: PASSED

HB165 – Family Law – Grounds for Limited Divorce

This bill removes the requirement that separations be voluntary and without a reasonable expectation of reconciliation and removes the requirement that parties enter into court order reconciliation efforts. The Women’s Law Center supported this bill as the prior requirements were neither safe nor viable in situations involving domestic violence.

WLC Position: Support

Outcome: PASSED

HB1185 – Family Law – Application for Divorce – Residency Requirement

This bill reduces from 1 year to 6 months the period of time that a party must reside in the State before an application for divorce may be filed. The WLC supported this bill as we believe the waiting requirement served no beneficial purpose for any party.

WLC Position: Support

Outcome: PASSED

HB577/SB402 – Family Law – De Facto Parent

This bill would have allowed individuals who had held themselves out as parents to, and previously undertaken responsibility of, a minor child to be considered and assert themselves as a de facto parent, providing them with specified duties, rights, and obligations for the care of the child.

WLC Position: Support

Outcome: Failed – Unfavorable Report

HB1083/SB550 – Child Custody – Legal Decision Making and Parenting Time

This bill attempted to codify and update the current standards and laws already in use in Maryland custody cases, including the standard which bases custody decisions upon the best interest of the child.

WLC Position: Support

Outcome: Failed – No Committee Action Taken

HB888/SB650 – Family Law – Rebuttable Presumption of Joint Custody

Contrary to HB1083/SB550, this bill would have created a rebuttable presumption in favor of joint custody, disregarding the current practice of basing decisions upon the best interest of the child. The Women’s Law Center opposed this bill as it failed to take into consideration situations involving domestic violence, sexual assault, or child abuse.

WLC Position: Oppose

Outcome: Failed – No Committee Action Taken

EMPLOYMENT

HB229/SB604 – Human Relations – Employment Discrimination – Protection for Interns

This bill establishes protections for interns and applicants for internships from discriminatory acts that are already otherwise prohibited against paid employees and creates a process by which interns can seek redress for discrimination and harassment.

WLC Position: Support

Outcome: PASSED

HB345 – Labor and Employment – Flexible Leave – Use of Leave for Family Illness

This bill prohibits agreements between an employer and employee to waive the employee's right to use flexible leave for illness of the employee's immediate family and prohibits an employer from taking any adverse employment actions against an employee because the employee requested flexible leave.

WLC Position: Support

Outcome: PASSED

HB564 – State Personnel – Limits on Use of Leave for Birth, Adoption, Foster Placement, or Care of Child

This bill prohibits the State from treating families, where both spouses work within the Executive Branch of the State, differently than their co-workers for purposes of administering the Family Medical Leave Act and the use of sick leave to care for a newborn or newly-adopted child. The bill aims to correct a fundamental unfairness presently faced by some of our most dedicated public servants.

WLC Position: Support

Outcome: PASSED

HB385/SB40 – Labor and Employment – Maryland Healthy Working Families Act

This bill would have required employers to provide employees with up to seven paid sick and safe days to address their own health needs, to care for family members and to deal with the effects of domestic violence. It provided a reasonable and comprehensive approach to ensuring an important benefit that protects the health and safety of workers and the community.

WLC Position: Support

Outcome: Failed – No Committee Action Taken

HB42/SB527 – Fair Employment Preservation Act of 2015

This bill would have reversed an overly restrictive judicial interpretation of when an employer can be held liable for employment discrimination. Under current law, employees in Maryland are entitled to have workplace decisions made without regard to their race, color, sex, age, disability status, marital status, gender orientation, national origin or ancestry, or religion but they can only sue if the discriminatory act was made by someone with authority to hire or fire the employee. The law was intended to provide a remedy to an employee facing harassment, demotion, unequal discipline, or firing on the basis of one of these protected civil rights categories by a line supervisor or other supervisor without that authority.

WLC Position: Support

Outcome: Failed – No Committee Action Taken

HB1051/SB424 – Labor and Employment – Equal Pay for Equal Work

This bill would have made key structural changes to existing pay equity laws by addressing some of the barriers to effective enforcement of the equal pay goals. It would have extended protection to Maryland citizens based on their gender identity as well as birth gender, outlawed practices such as “Mommy tracking” by requiring employers to provide equally favorable employment opportunities for both genders, and prohibited an employer from taking any adverse employment action against an employee for discussing wages with other employees.

WLC Position: Support

Outcome: Failed – No Committee Action Taken

SB425 – Labor and Employment – Wage Disclosure and Discussion Protection

This bill would also have prohibited an employer from taking any adverse employment action against an employee for making an inquiry, disclosure, or discussion about employee wages.

WLC Position: Support

Outcome: Failed – No Committee Action Taken

HB776/SB687 – State Personnel – Parental Leave

This bill would have entitled specified State employees to paid parental leave for the care and nurturing of a child following the birth or adoption of the child.

WLC Position: Support

Outcome: Failed – Unfavorable Report

HB985 – Labor and Employment – Family and Medical Leave Insurance Program – Establishment

This bill would have established the Family and Medical Leave Insurance Program which would lead the way to mandated paid family and medical leave. It would have prevented employers from entering into agreements with employees to waive the employee's right to use flexible leave for illness of the employee's immediate family; and would have prohibited an employer from taking any adverse employment actions against an employee because the employee requested flexible leave.

WLC Position: Support

Outcome: Failed – Unfavorable Report

HB969/SB688 - Labor and Employment – Fair Scheduling Act

This bill would have required an employer to provide employees with three weeks notice of a new work schedule, notify employees of certain changes to the schedule, and provide employees with a new work schedule within 24 hours after making a change to the initial schedule. This bill would have been a positive step in the ability for working families to plan and schedule for their lives.

WLC Position: Support

Outcome: Failed – Unfavorable Report

HUMAN TRAFFICKING

HB905/SB520 – Criminal Law – Human Trafficking – Affirmative Defense

This bill provides that an individual charged with prostitution may raise the fact that they committed the act as a result of being a victim of human trafficking as an affirmative defense to the crime.

WLC Position: Support HB905 with amendments, Support SB 520

Outcome: While the two bills were never cross-filed, the Senate version, SB 520, PASSED

HB456/SB521 - Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking

Safe Harbor laws are designed to ensure that trafficked youth are provided with services rather than treated as criminals and are designed to divert exploited minors from the justice system toward child welfare services designed to meet their unique treatment needs. The bill establishes an interdisciplinary working group of subject-matter experts from around the State to determine the way forward for Safe Harbor in Maryland.

WLC Position: Support

Outcome: PASSED

HB241/SB904 – Criminal Law – Human Trafficking – Adult Victim – Penalty

This bill would have made the crime of human trafficking, in a case in which the victim of the crime is an adult, a felony, rather than a misdemeanor.

WLC Position: Support, with amendments

Outcome: Failed – No Committee Action Taken

SEXUAL ASSAULT

HB382 – Sexual Assault Survivors’ Right to Know Act

This bill requires health care providers provide sexual assault victims with information relating to the results of their sexual assault forensic exam kits, so long as providing the information would not interfere with on-going investigations.

WLC Position: Support

Outcome: PASSED

HB503/SB78 – Rape Survivor Family Protection Act

This bill would have done two important things for rape victims. First, if a child is conceived as a result of a rape and the mother chose 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 chose 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. It is a basic, logical step towards providing support and protection to victims of sexual assault and their children, and would have helped limit the re-victimization a woman may feel if she is forced into a legal relationship with her rapist after the birth of a child conceived as a result of the rape.

WLC Position: Support

Outcome: Failed – No Committee Action Taken

REPRODUCTIVE RIGHTS AND HEALTH

SB158 - Health - Medical Procedures - Ultrasound Options

This bill would have required physicians to provide a pregnant woman the opportunity to view an ultrasound before performing an abortion.

WLC Position: Oppose

Outcome: Failed – No Committee Action Taken

HB492 - Pain-Capable Unborn Child Protection Act

This bill would have prohibited abortions after 20 weeks of gestation.

WLC Position: Oppose

Outcome: Failed – No Committee Action Taken

HB961/SB511 – Women’s Late Term Pregnancy Health Act

Like HB492, this Bill would have prohibited terminations of pregnancies after 20 weeks of gestation, and would have criminalized doctors or other medical personnel who perform the procedures.

WLC Position: Oppose

Outcome: Failed – No Committee Action Taken

OTHER

HB348/SB468 – *Civil Right to Counsel – Implementation*

This bill would have established a pilot program to provide a civil right to counsel in protective order and contested custody and visitation proceedings, with the intent of leading the way to establishing a Right to Counsel for all civil proceedings that implicate fundamental human rights.

WLC Position: Support

Outcome: Failed – Unfavorable Report

HB857/SB530 – *Criminal Procedure – Firearms – Transfer*

This bill would have required the court, where a person has committed a domestically related violent crime, to order the person to transfer all firearms in their possession to law enforcement.

WLC Position: Support

Outcome: Failed – Unfavorable Report

SB16 – *Criminal Procedure – Expungement – Misdemeanor and Felony Convictions*

This bill would have authorized a person to file a petition for expungement of a police or court record if the person was convicted of a misdemeanor or felony, with specified exceptions.

WLC Position: Oppose

Outcome: Failed – Unfavorable Report