



2014 Legislative Wrap Up Report Outcome of All Bills Followed

Founded with the mission to promote and protect the legal rights of women, the Women's Law Center actively engages in advocacy work with the General Assembly to increase justice and fairness for Maryland women and families. During the 2014 Session, the Women's Law Center championed women's rights and educated legislators about the specific impact a bill could have on women. This year there were several major victories, particularly in the area of domestic violence. Legal Director Laure Ruth was a significant presence in Annapolis providing our oral testimony and serving as a key member of advocacy groups. We monitored over 90 bills and took positions on 65 bills by submitting written testimony. We presented oral testimony at 28 hearings. We sent 17 legislative email alerts pertaining to 35 separate bills to inform members and supporters and encourage them to contact their legislators. In addition, the alerts were posted to Facebook and Twitter to expand the reach of the advocacy efforts.

DOMESTIC VIOLENCE

HB333 / HB307 / SB28 / SB333- *Peace Orders and Protective Orders - Burden of Proof*

Synopsis: Reduces the standard of proof from clear and convincing evidence to a preponderance of the evidence in final protection order hearings.

WLC Position: Support

Outcome: PASSED

HB309 / SB334 - *Family Law - Domestic Violence - Permanent Final Protective Orders*

Synopsis: Expands the availability of a permanent final protective order to include second degree assault cases, which are currently excluded, and cases where the defendant served at least 12 months of a sentence that was at least 5 years. Under current law, the defendant must have *served* 5 years of the sentence.

WLC Position: Support

Outcome: PASSED

HB647 / SB434 - *Peace Orders and Protective Orders - Extensions*

Synopsis: Allows the terms of a final peace or protective order to be extended until there is a hearing if the request for an extension was filed prior to the expiration of the order.

WLC Position: Support

Outcome: PASSED

HB306 / SB337 - Crimes - Committing a Crime of Violence in the Presence of a Minor - Penalties

Synopsis: Enhances the penalty for committing a crime of violence in a residence within the sight or sound of a child at least 2 years old. (HB185 / SB683 had slightly different provisions and did not pass.)

WLC Position: Support

Outcome: PASSED

HB352 / SB369 - Peace Orders and Protective Orders - Penalties – Second or Subsequent Offenses

Synopsis: Allows the court to impose a “subsequent offense” penalty on a defendant who violates a peace order and later violates a protective order (or vice versa) and is convicted of both violations.

WLC Position: Support

Outcome: PASSED

SB790 Health Insurance - Communications Between Carriers and Enrollees - Conformity With the Health Insurance Portability and Accountability Act (HIPAA)

Synopsis: Requires the Maryland Insurance Administration (MIA) to develop a form that reflects an already existing HIPAA provision to allow individuals to request that carriers send their “explanation of benefits” and other communications to an alternate address to keep them confidential when such communications would endanger them.

WLC Position: Support

Outcome: PASSED

HB775 / SB41 - Domestic Violence - Persons Eligible for Relief

Synopsis: Expands the definition of persons eligible for a protective order to include an individual who has had a sexual relationship with the respondent.

WLC Position: Support

Outcome: FAILED - passed Senate; no vote House Judiciary Committee

HB1182 – Family Law – Protective Orders – Additional Relief

Synopsis: Permits the court to specify how far away the abuser must remain from the person eligible for relief while a protective order is in effect.

WLC Position: Support

Outcome: FAILED - passed House; no vote Senate Judicial Proceedings

HB17 - Criminal Law - Misuse of Interactive Computer Service

Synopsis: Expands the prohibition against using an interactive computer service to maliciously engage in a course of conduct that inflicts serious emotional distress to include any person regardless of age.

WLC Position: Support

Outcome: Failed – Unfavorable Report House Judiciary Committee

HB336 - Criminal Law - Coercion to Provide Sexually Explicit Images - Penalties

Synopsis: Prohibits a person from intentionally threatening or intimidating an individual into providing a sexually explicit or nude photograph, video footage, or other visual representation of the individual.

WLC Position: Support

Outcome: Failed – Unfavorable Report Judiciary Committee

HB397 - Peace Orders and Protective Orders - Consent Orders - Shielding

Synopsis: Expands the current provisions regarding shielding of denied or dismissed protective orders to include orders that are entered into by consent. Requires, in certain circumstances, a balancing of the interests of privacy against safety. As the result of advocacy, amended version establishes procedures that protect victims.

WLC Position: Oppose

Outcome: PASSED

HB282 - Family Law - Peace Orders and Protective Orders - Shielding

Synopsis: Provides for automatic shielding of protective orders that are denied or dismissed.

WLC Position: Oppose

Outcome: Failed – Unfavorable Report House Judiciary Committee

HB44 - Family Law - Temporary and Financial Protective Orders - Emergency Evaluation for Mental Disorder

Synopsis: Authorizes a judge, when issuing a temporary or final protective order, to order the respondent to undergo an emergency evaluation for a psychiatric commitment.

WLC Position: Watch

Outcome: Failed - no vote House Judiciary Committee

HB622 - Criminal Law - First Degree Assault - Strangulation

Synopsis: Adds strangulation to the list of first degree felony assaults.

WLC Position: Oppose – due to requirement to prove specific intent

Outcome: Failed - no vote House Judiciary Committee

HB90 - Regulated Firearms - Disqualifying Crime - Domestically Related Crime

Synopsis: Clarifies the definition of "convicted of a disqualifying crime" to include a case in which a person received probation before judgment for a crime of violence other than assault in the second degree and in a domestically related crime.

WLC Position: Watch

Outcome: Failed - no vote House Judiciary Committee

HB967 - Crimes - Malicious Destruction of Property - Defenses

Synopsis: Provides that, in a prosecution for malicious destruction of property, it is not a defense that the defendant was a joint owner of the damaged property if the defendant's intent was to deprive another joint owner of the value of the property.

WLC Position: Watch

Outcome: Failed - passed House; Unfavorable Report Senate Judicial Proceedings Committee

HB1278 - Family Law - Protective Order Proceedings - Jurisdiction - Custody of Minor Child

Synopsis: Requires a petition for relief from abuse to be filed with a circuit court if the relief sought in the petition includes custody of a minor child.

WLC Position: Oppose

Outcome: Failed – Unfavorable Report House Judiciary Committee

SB35 - Family Law - Domestic Violence Incident Report - Dissemination

Synopsis: Repeals a requirement that local law enforcement agencies provide a copy of domestic violence incident reports to the Department of State Police.

WLC Position: Watch

Outcome: PASSED

EMPLOYMENT

HB1026 / SB737 - Labor and Employment - Unpaid Parental Leave - Birth or Adoption of a Child

Synopsis: Requires that an employer of 15-49 employees provide 6 weeks of unpaid parental leave for the birth or adoption of a child.

WLC Position: Support

Outcome: PASSED

HB1350 / SB688 - Fair Employment Preservation Act of 2014

Synopsis: Provides that, for purposes of employment discrimination and retaliation, an act or omission of a supervisor is construed to be an act or omission of the employer.

WLC Position: Support

Outcome: Failed - passed Senate; no vote House Health and Government Operations Committee

HB968 / SB753 - Labor and Employment - Maryland Earned Sick and Safe Leave Act

Synopsis: Requires employers to provide employees with up to seven paid sick days to address their own health needs, to care for family members and to deal with the effects of domestic violence.

WLC Position: Support

Outcome: Failed – No vote House Economic Matters Committee and Senate Finance Committee

HB527 - Labor and Employment - Earned Sick Leave

Synopsis: Requires employers to provide earned sick leave.

WLC Position: Watch

Outcome: Failed – no vote House Economic Matters Committee

HB1314 – Maryland Wage Payment and Collection Law – Awards of Certain Fees and Costs and Prohibition Against Retaliation

Synopsis: Alters the standard for the award of counsel fees in unpaid wage cases.

WLC Position: Support

Outcome: Failed – no resolution in conference committee

FAMILY LAW

SB363 - Family Law - Grounds for Divorce - Valid Separation Agreement

Synopsis: Allows parties who have signed a separation agreement that resolves custody, visitation and financial issues to be granted a divorce.

WLC Position: Support

Outcome: Failed - passed Senate; no vote House Judiciary Committee

HB1440 / SB1004 – Family Law – Children’s Civil Rights – Equal Parenting Time

Synopsis: Creates a rebuttable presumption for joint legal custody and equal parenting time.

WLC Position: Oppose

Outcome: Failed – no vote House Judiciary Committee and Senate Judicial Proceedings Committee

HB1007 - Family Law - Grandparent Visitation

Synopsis: Provides that grandparents may be granted visitation when denial of visitation would be a detriment to the child, visitation would not interfere with the parent-child relationship and it is in the child’s best interests.

WLC Position: Watch

Outcome: Failed – Unfavorable Report House Judiciary Committee

HB68 / SB444 - Family Law - Denial of Custody or Visitation - Sexual Abuse of a Minor

Synopsis: Prohibiting a court awarding custody of a child or visitation with a child to a parent who has been found guilty of sexual abuse of a minor.

WLC Position: Watch

Outcome: Failed – no vote House Judiciary Committee and Senate Judicial Proceedings Committee

HB760 - Family Law - Out-of-State Civil Unions - Applicability of Domestic Relations Laws

Synopsis: Provides that parties to a civil union validly entered into in another state will be subject to the same domestic relations laws as married individuals.

WLC Position: Watch

Outcome: Failed - Unfavorable Report House Judiciary Committee

HB315 / SB396 - Equity Court Jurisdiction - Immigrant Children - Custody or Guardianship Petitions

Synopsis: Provides that an equity court has jurisdiction regarding a petition to award custody or guardianship of an immigrant child that is filed with a motion for Special Immigrant Juvenile Factual Findings.

WLC Position: Watch

Outcome: PASSED

HB1533 – Commission on Child Custody Decision Making – Extension

Synopsis: Extends the Commission on Child Custody Decision Making

WLC Position: Watch

Outcome: Passed House; no vote in Senate Judicial Proceedings Committee

SEXUAL ASSAULT

HB955 / SB50 - Crimes - Use of Personal Identifying Information or the Identity of Another - Sexual Crimes

Synopsis: Prohibits the use of personal identifying information without consent to invite, encourage, or solicit another to commit a sexual crime against a person.

WLC Position: Support

Outcome: PASSED

HB19 - Higher Education - Sexual Assault Surveys and Sexual Assault Victim Advocates

Synopsis: Requires the Maryland Higher Education Commission to conduct sexual assault surveys by institutions of higher education every 3 years.

WLC Position: Watch

Outcome: Failed – no vote House Judiciary Committee

HB782 / SB802 - Criminal Law - Third Degree Sexual Offense - Burglary

Synopsis: Adds burglary to the list of aggravating factors that would raise a fourth degree sexual offense to a third degree sex offense.

WLC Position: Support

Outcome: Failed - passed House; no vote Senate Judicial Proceedings Committee

HB1341 – Sexual Assault Survivors’ Right to Know Act

Synopsis: Requires the appropriate law enforcement agency to inform survivors of sexual assault of the status of their SAFE (sexual assault forensic examination) kit.

WLC Position: Support

Outcome: Failed – no vote House Judiciary Committee

HB958 / SB411 - Rape Survivor Family Protection Act

Synopsis: Provides that if a child is born as a result of a rape, the perpetrator’s parental rights may be denied.

WLC Position: Support

Outcome: Failed - passed Senate; no vote House Judiciary Committee

REPRODUCTIVE RIGHTS AND HEALTH

HB27 / SB656 - Correctional Services - Healthy Births for Incarcerated Women Act

Synopsis: Prohibits the use of a physical restraint on an inmate while the inmate is in labor or during delivery.

WLC Position: Support

Outcome: PASSED

HB283 / SB34 - *Pain-Capable Unborn Child Protection Act*

Synopsis: Prohibits abortion after 20 weeks of gestation.

WLC Position: Oppose

Outcome: Failed – no vote in House Health and Governmental Operations Committee or Senate Finance Committee

SB85 - *Health - Medical Procedures - Ultrasound Options*

Synopsis: Requires physicians to provide a pregnant woman the opportunity to view an ultrasound before performing an abortion.

WLC Position: Oppose

Outcome: Failed – no vote Senate Finance Committee

SB944 - *Family Law - Controlled Dangerous Substance Use During Pregnancy and Substance-Exposed Newborns - Reporting*

Synopsis: Prohibits the discharge of a substance-exposed newborn from a hospital or birthing center until a local department of social services has complied with statutory requirements relating to the evaluation of substance-exposed newborns.

WLC Position: Watch

Outcome: Failed – Unfavorable Rreport Senate Judicial Proceedings Committee

HB1211 - *State Board of Nursing - Midwives - Licensing and Regulation*

Synopsis: Establishes a licensing and regulation scheme for the practice of traditional midwifery under the State Board of Nursing.

WLC Position: No position

Outcome: Failed – no vote House Health and Government Operations Committee

HUMAN TRAFFICKING

HB701 / SB454 - *Criminal Law - Child Kidnapping for the Purposes of Committing a Sexual Crime - Penalty*

Synopsis: Increases the penalty for kidnapping a child under 16 for the purposes of committing a sexual crime and makes it a felony rather than a misdemeanor offense.

WLC Position: Support

Outcome: PASSED

HB559 / SB818- *State Government - Human Trafficking Address Confidentiality Program*

Synopsis: Creates a program to allow human trafficking victims to keep their addresses confidential.

WLC Position: Support

Outcome: PASSED

HB696 / SB 78 - *Criminal Law - Human Trafficking - Victims Under Age 21*

Synopsis: Extends the current prohibition against trafficking a minor to prohibiting trafficking anyone under age 21. Trafficking a person under 21 would be a felony.

WLC Position: Support

Outcome: Failed - passed Senate; no vote House Judiciary Committee

SJ7 - Human Trafficking

Synopsis: Requires the Maryland Human Trafficking Task Force to conduct a study about prostitution by minors who are victims of sex trafficking and programs to assist them.

WLC Position: Support

Outcome: Failed - no vote Senate Judiciary Proceedings Committee

HB358 / SB270 - Law Enforcement Personnel - Training - Human Trafficking Offenses

Synopsis: Requires development of a training program for law enforcement agencies and criminal justice system personnel.

WLC Position: Support

Outcome: Failed - Unfavorable Report House Judiciary Committee and Senate Judicial Proceedings Committee

HB608 / SB819 - Police Training - Human Trafficking - Sensitivity and Awareness

Synopsis: Authorizes police training, including sensitivity and awareness training to recognize victims of human trafficking.

WLC Position: Support

Outcome: Failed - Unfavorable Report House Judiciary Committee and Senate Judicial Proceedings Committee

DISCRIMINATION

HB1265 / SB212 - Fairness for All Marylanders Act of 2014

Synopsis: Prohibits discrimination based on gender identity with regard to public accommodations, housing, and employment.

WLC Position: Support

Outcome: PASSED

HB366 Home Act of 2014 and HB1098 - Housing Discrimination - Source of Income

Synopsis: Amends 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.

WLC Position: Support

Outcome: Failed - Unfavorable Report House Environmental Matters Committee

EXPUNGEMENT

There were numerous bills pertaining to expungement of criminal records in an attempt to address the negative impact of a criminal record on employment opportunities. Generally, the Women's Law Center opposes these bills due to concerns about their potential to remove a history of domestic violence from an abuser's criminal record.

HB195 / SB211 - *Criminal Procedure - Expungement - Misdemeanor Convictions*

Synopsis: Allows expungement of a misdemeanor conviction if the person convicted was under 35 years of age at the time of the conviction and at least 10 years have passed since the conviction.

WLC Position: Oppose

Outcome: Failed – unfavorable report House Judiciary Committee; no vote Senate Judicial Proceedings Committee

HB410 / SB376 - *Criminal Procedure - Expungement - Misdemeanor Convictions*

Synopsis: Allows expungement of a misdemeanor conviction if the person was convicted of a nonviolent misdemeanor and has never previously been convicted of a crime other than a nonincarcerable traffic violation and at least 2 years have passed since the conviction.

WLC Position: Oppose

Outcome: Failed in House

HB79 / SB68 - *Courts - Juveniles - Expungement of Records*

Synopsis: Allows expungement of juvenile records under certain circumstances.

WLC Position: Watch

Outcome: PASSED

SB139 - *Criminal Procedure - Expungement - Misdemeanor and Felony Convictions*

Synopsis: Allows expungment of felony conviction after 12 years and misdemeanor conviction after 7 years.

WLC Position: Oppose

Outcome: Failed – no vote Senate Judicial Proceedings Committee

HB1166 / SB805 – *Maryland Second Chance Act of 2014*

Synopsis: Allows sheilding of a list of minor crimes.

WLC Position: Watch

Outcome: Failed – Unfavorable Report Senate Judicial Proceedings Committee; amended version passed Senate

OTHER

HB91 - *Health Occupations - Sexual Orientation Change Efforts - Prohibited*

Synopsis: Prohibiting specified mental health care practitioners from engaging in sexual orientation change efforts with a patient who is a minor.

WLC Position: Watch

Outcome: Failed – Unfavorable Report House Health and Government Operations Committee

HB29 / SB554 – *Maryland Law Enforcement Trust Act*

Synopsis: Provides that an individual eligible for release from local custody may not be detained on the basis of an immigration detainer.

WLC Position: Support

Outcome: Failed – Unfavorable Report House Judiciary Committee and Senate Judicial Proceedings Committee