

Women's Law Center of Maryland Inc. 2010 Legislative Status Report

The mission of the Women's Law Center is to promote and protect the legal rights of women. Therefore, our advocacy work with the General Assembly is critical to the accomplishment of this goal. The 2010 legislative session was very active for Women's Law Center staff and volunteers. Overall, we monitored over 87 bills that could affect women's legal rights. We took positions on 57 bills by submitting written testimony to educate legislators about the specific impact of the bill and testified before legislative committees on 42 bills. In addition, the Women's Law Center sent legislative alerts on 43 bills to let our members and supporters know about the legislation and to encourage them to contact their legislators.

Women's Law Center staff and volunteers were active in the legislative process. Legal Director Laure Ruth was a significant presence in Annapolis providing the majority of the oral testimony presented on behalf of the Women's Law Center and serving as key member of advocacy groups in the areas of domestic violence, reproductive rights and protections for same-sex couples. Women's Law Center volunteers assisted by providing oral testimony on several bills.

The Women's Law Center submitted written and/or presented oral testimony on the following bills:

Funding

HB106/SB248 – Civil Cases - Maryland Legal Services Corporation Fund was approved by the General Assembly. It increases the filing fee in civil cases to provide funding to Maryland Legal Services Corporation, which funds civil legal services for low income Marylanders. The bill is estimated to generate approximately \$6.1 million.

Domestic Violence

Several important bills to increase protections for victims of domestic violence were **supported** by the Women's Law Center and **passed**.

HB534/SB329 – Domestic Violence – Protective Order – Extension allows a court to extend a protective order for up to two years if the respondent commits a subsequent act of abuse while the protective order is still in effect.

HB1382/SB554 – Rental Housing – Protection for Victims of Domestic Violence and Sexual Assault provides protections for victims regarding their landlord/tenant relationships. The law provides that if the victim/tenant has obtained a final protective order or peace order, the victim may terminate the lease in order to relocate, the landlord must change the locks upon request of the victim and at the victim's expense and creates a rebuttable presumption that the victim is not in breach of the lease if the landlord is attempting to evict the victim for the behavior of the abuser.

HB 661 – Arrest – Violation of Protective Order provides that an officer shall arrest with or without a warrant for a violation of a protective order.

HB1149/SB935 – Denial or Dismissal of Peace Order or Protective Order Petition – Shielding of Records allows a respondent in a protective order or peace order case that has been dismissed or denied to request the court to remove from judiciary case search and other public access all records relating to the proceeding. Domestic violence advocates, judges and law enforcement officials would have access to the shielded records. Although the Women’s Law Center opposed the expungement of domestic violence records, this final version of this bill included important protections for victims.

HB905/SB22 – Criminal Law – Prohibitions on Wearing, Carrying or Transporting Firearms – Exception establishes an exception to the prohibition against transporting a firearm for a respondent who is surrendering a weapon.

HB60/SB618 – Criminal Procedure – Violation by Child Sexual Offender of Pretrial and Posttrial Release No Contact Order (“Alexis’s Law”) allows the police to make a warrantless arrest if they have probable cause to believe the person has violated a no contact order in a crime against a minor.

The General Assembly considered several bills related to the use of global positioning systems to monitor domestic violence abusers. A bill passed authorizing a pilot project in Prince George’s and Washington Counties to monitor criminal offenders (HB665 and HB1336). A bill to monitor respondents in civil protective orders failed (HB331).

A bill passed that requires the creation of a Domestic Violence Central Repository to store civil domestic violence orders (HB625) while a bill to require an annual report regarding domestic violence orders did not pass (HB1047).

Many other domestic violence bills were considered by the General Assembly but *failed*. This year there was another unsuccessful effort to change the burden of proof in protective orders from clear and convincing evidence to preponderance of evidence (HB700/SB823). A bill to provide compensation to victims for temporary lodging through the Criminal Injuries Compensation Board did not pass (SB123). Other bills that failed included a requirement for an expedited hearing on violations of peace or protective orders (HB662), and a requirement for school curricula for tweens and teens about dating violence (HB911/SB984). On a positive note, a bill intended to make it easier for victims to get handgun permits (HB893) and a bill that would have required a judge to advise a respondent of the consequences of a final protective order (HB48/SB329) both failed.

Family Law

With the passage of *HB500/SB252 – Child Support Guidelines – Revision* the child support guidelines were updated for the first time in more the 20 years. The new guidelines more appropriately reflect the actual costs of raising a child and extends the guidelines to families with joint adjusted incomes of \$15,000 per month.

Several ambitious efforts to change the grounds for divorce making it less onerous to obtain a divorce were unsuccessful (HB336/SB578, SB577 and SB714). The Women's Law Center supported an unsuccessful effort to codify the existing Maryland case law regarding custody determinations into a statute that continues to rely on the best interest of the child standard (HB1139) and to recognize de facto parents (HB1241/SB600). The Women's Law Center opposed bills that sought to create a presumption of joint custody and parenting time (HB925/SB1047 and HB959).

Employment Law

SB107 – Unemployment Insurance – Tax Deferment, Trust Fund Solvency, and Cost-Neutral Modernization Act passed, providing that unemployment insurance benefits are based on the four most recently completed calendar quarters. This change allows a worker's most recent earnings to be taken into account when determining unemployment eligibility and benefits and is particularly beneficial for low-income and part-time workers, many of whom are women. The Women's Law Center supported unsuccessful efforts to establish a cause of action for discrimination based on family responsibilities (HB463), expand Maryland's Family and Medical Leave Act to include care for domestic partners, children of domestic partners and close family members (HB1272) and to repeal a restriction on the amount of compensation that a lawyer may charge to assist a claimant for unemployment insurance claim proceedings (SB500/HB1082).

Criminal Law

The Women's Law Center supported a bill that would have prohibited a person from knowingly committing a crime of violence in the presence of a minor (HB 650) and a bill that would have defined a sexual act as penetration with a body part (SB1310/SB667). Neither bill passed. A bill to enhance the enforcement of and penalties for human trafficking law passed (HB283/SB261) while a bill providing for the forfeiture of property to establish an Anti-Human Trafficking Fund did not pass (HB514/SB463).

Reproductive Rights

The Women's Law Center opposed bills that would have limited or impacted women's access to reproductive choices and these bills failed. One bill would have defined personhood from the beginning of biological development (HB1078) and another would have required facilities to provide the opportunity to patients to view a sonogram before performing an abortion (SB250).

GLBT Rights

The Women's Law Center took positions on bills to protect and promote the rights of GLBT Marylanders. Although efforts to establish marriage equality for same sex couples failed (HB808/SB582), a Constitutional Amendment to limit marriage to a man and a woman was defeated (HB1079/SB1097). Efforts to prohibit the recognition of out-of-state same-sex marriages failed (HB90/SB852) as did efforts to block the implementation of any changes based on the opinion from the Attorney General that out-of-state same-

sex marriages may be recognized (HB1532/SB1120). A bill to prohibit discrimination based on gender identity and expression was defeated (HB1022/SB583).