

Women's Law Center of Maryland Inc.
2011 Legislative Status Report

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 women and their families in Marylanders. Women's Law Center staff and volunteers championed women's rights and found opportunities to educate legislators about the specific impact a bill could have on women. Legal Director Laure Ruth was a significant presence in Annapolis providing the majority of our oral testimony and serving as key member of advocacy groups. During the 2011 legislative session, we monitored over 110 bills, submitted written testimony on 76 bills, testified before legislative committees on 28 bills and sent legislative alerts regarding 49 bills to inform members and supporters and encourage them to contact their legislators. Below is a synopsis of our written and/or presented oral testimony:

Domestic Violence

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

HB 667/SB 342 Peace Orders – Extension of Duration allows a judge to extend a peace order for 6 months after a hearing.

HB 666/SB 480 Courts – Peace Orders – Penalties enhances the penalties for subsequent violations of a peace order, making the penalties consistent with subsequent violations of a protective order.

HB 407/SB 747 Domestic Violence – Additional Relief – Award of Temporary Possession of a Pet allows the award of temporary possession of a pet in a protective order.

HB 1047 Rental Housing – Tenant Victim of Domestic Violence or Sexual Assault – Lease Payment Obligation provides that the termination of the victim's future liability under the lease does not impact the future liability of the tenant who is the respondent in the protective order or peace order.

HB 510 Criminal Law – Harassment – Penalties increases the penalties for subsequent convictions for harassment.

Many other domestic violence bills were considered by the General Assembly but **failed**. In the criminal area, unsuccessful bills include efforts to enhance prosecution of strangulation (HB 819/SB 593), create a separate crime of domestic violence (HB 820/SB 651), enhance the penalty for committing a crime in front of a minor (HB 663), allow victims to receive reimbursement from the Criminal Injuries Compensation Board for temporary lodging (SB 50), expand criminal harassment to include electronic communications (HB 582) and require a central registry of cases where spousal privilege was invoked (HB 1169/SB 919). Several unsuccessful bills addressed teen dating

violence and education (HB 386/SB 667, HB 812/SB 617). Bills that would have affected the protective order statute included surrender of firearms under a peace order (HB 1331/ SB 650), expansion of the definition of abuse to include harassment, trespass and malicious destruction (HB 416/SB 653), clarify and specify the relief a judge can order under a final protective order including any appropriate relief (SB 674 and HB 1018) and

The Women's Law Center opposed SB 587, which would have required a mandatory mental health evaluation for a person charged with a violation of a protective order, and HB 805, which would have required protective order petitions to be filed within 30 days of the abuse. Neither bill passed.

Family Law

A significant change was made regarding grounds for divorce. *HB 402/SB 139 Family Law – Grounds for Absolute Divorce* abolished voluntary separation as a ground for divorce and reduces the separation period requirement for an absolute divorce from 24 months to 12 months. A bill to allow for a legal separation period to begin while the parties are still living in the same house did not pass (HB 403).

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 (HB 816) and to clarify grandparent visitation (HB 1037). Bills that sought to create a presumption of joint custody and equal parenting time (HB 1132/SB 909) and a specified visitation schedule (HB 1052/SB 908) were opposed and did not pass. The Women's Law Center opposed mandatory mediation in all family law cases (SB 193) and termination of alimony upon cohabitation of the recipient (HB 304). Several bills to clarify the child support guidelines and improve equity in child support awards did not pass (HB 422, HB 423, HB 424, HB 427, HB 501, HB 635). Another unsuccessful bill would have allowed a judge to order ownership, visitation and financial support for a pet in a divorce proceeding (HB 770/SB 814).

Employment Law

HB 87/ SB 132 Job Applicant Fairness Act passed, prohibiting employers from using credit reports in making decisions regarding hiring, firing or compensation of a prospective or current employee. The Women's Law Center supported an unsuccessful effort to prevent and address bullying, abuse and harassment in the workplace (SB 600).

Reproductive Rights

Many bills were introduced that would have limited or impacted women's access to reproductive choices. The Women's Law Center worked with the Marylanders for the Right to Choose coalition to oppose these bills. All bills failed. Bills that would have negatively impacted reproductive rights included requirements for physicians to submit detailed reports regarding abortions performed (HB 18, SB 426), onerous licensing requirements for centers providing abortion services (HB 23, SB 505), a prohibition

against starting an abortion in one state and completing it in another (HB 19) and provisions requiring an abortion patient to be transported by ambulance (HB 20). Other bills would have prohibited an abortion in the third trimester (HB 746), defined personhood from the beginning of biological development (HB 1040), allowed prosecution for murder or manslaughter for the death of a fetus, regardless of viability (HB 1024) and required facilities to provide the opportunity to patients to view a sonogram before performing an abortion (SB 528).

Human Trafficking

Several significant bills passed that address human trafficking. *HB 266/SB 327 Human Trafficking Victim Protection Act* allows victims of sex trafficking to have convictions for prostitution removed from their criminal record if the offense occurred during the victimization. *HB 674 Human Trafficking – Awareness, Training and Distribution of Materials* requires the Departments of Health and Mental Hygiene and Education to provide training materials to educators with a goal of raising awareness and identifying victims of human trafficking. *HB 345/SB 299 Wiretapping and Electronic Surveillance – Investigation of Human Trafficking* allows law enforcement to utilize wiretapping to investigate violations of human trafficking laws. Bills that did not pass would have allowed for forfeiture of property related to human trafficking (HB 418/SB 247) and posting of information about the human trafficking hotline at truckstops (HB 1304).

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 (HB 175/SB 116) and protections from discrimination based on gender identity (HB 235) came closer to passage than ever before, neither effort prevailed.

Sexual Assault

HB1128/SB204 Criminal Law – Sexual Crimes – Definitions passed. This bill defines penetration by a finger or a fist with the same seriousness as penetration by an object.

Mental Health Treatment

An amended version of *HB 1150/SB 556 Mental Hygiene Administration – Facilities – Trauma-Informed Care* passed. It requires State mental health facilities to appropriately address complaints of sexual abuse and sexual harassment by implementing policies and training, developing a plan to secure sleeping quarters, reassigning housing of patients after a complaint and conducting risk assessments. In addition, a pilot program for a single gender unit is required.

Juveniles

The version of *HB 511/SB787 Juvenile Services – Services and Programs for Females* that passed requires the Department of Juvenile Services to submit a report to the General Assembly regarding how the Department will use existing resources to ensure that females receive services that are substantially equivalent to those offered to males.

Budget

An effort failed that would have reduced funding to the Maryland Legal Services Corporation (MLSC) by eliminating the transfer of \$500,000 abandoned property revenue to MSLC. Funding for sexual assault programs was restored.