



Women's Law Center *of Maryland*

2018 LEGISLATIVE WRAP UP

HOUSE BILL 1/SENATE BILL 2: FAMILY LAW - CHILD CONCEIVED WITHOUT CONSENT - TERMINATION OF PARENTAL RIGHTS (RAPE SURVIVOR FAMILY PROTECTION ACT)

POSITION: **SUPPORT**

OUTCOME: **PASSED AND SIGNED INTO LAW ON FEBRUARY 13, 2018**

After years of advocacy, Maryland has now joined the majority of states that provide a mechanism for the termination of the parental rights of a man who impregnates a woman by rape. This new law will allow women who become pregnant from rape to proceed with their lives without the involvement of the rapist, while still offering considerable due process to the respondents. The mother must prove by *clear and convincing evidence* that the rape occurred or the respondent must have been convicted of a crime of sexual assault for the act that caused the pregnancy. This standard of evidence is the same as is required to terminate parental rights in *every* other instance in Maryland law, and is higher than the standard of proof used in (almost all) family law cases. It is finally time to help survivors of sexual assault who become pregnant move forward in the way that works best for them and their children.

HOUSE BILL 301/SENATE BILL 270: COURTS - EVIDENCE OF SEXUALLY ASSAULTIVE BEHAVIOR - ADMISSIBILITY - REPEAT SEXUAL PREDATOR PREVENTION ACT

POSITION: **SUPPORT**

OUTCOME: **PASSED**

Another law that has been a decade in the making, this legislation will allow a court to admit evidence of prior sexual offenses in certain criminal cases and under certain circumstances. Under current Maryland law, a criminal defendant is legally entitled to introduce evidence regarding a victim's past sexual conduct to support their case if ulterior motives are suspected. The prosecution, however, is not afforded the same right. As a result, serial sex offenders continue to win over Maryland juries, securing their freedom while endangering public safety. If a defendant has sexually assaulted an adult, senior, or child in the past—juries need to know about it, especially if the defense of consent is used to negate physical evidence such as DNA. The WLC has long supported this legislation and is proud to have been a part of the push to finally get it passed in the Maryland General Assembly.

HOUSE BILL 1596/SENATE BILL 1010: DISCLOSING SEXUAL HARASSMENT IN THE

WORKPLACE ACT OF 2018

POSITION: SUPPORT
OUTCOME: PASSED

This legislation will work to prevent, to the extent permissible under federal law, an employer from requiring an employee to waive their right to pursue sexual harassment claims, making it against public policy for an employee to prospectively waive substantive or procedural rights or remedies as a condition of employment. And should efforts to repeal the Federal Arbitration Act's application to sexual harassment claims be successful, this bill will place Maryland in a proactive position to adopt the same. Furthermore, it includes reporting requirements related to the number of sexual harassment claims settled - and employees disciplined for sexually harassing behavior - by employers of 50 or more employees.

HOUSE BILL 1303/SENATE BILL 491: DOMESTIC VIOLENCE – PERMANENT FINAL PROTECTIVE ORDER

POSITION: SUPPORT
OUTCOME: PASSED

Modifying the current permanent protective order law to streamline the process for victims of serious criminal conduct, this legislation will assist more victims in achieving long-term safety. Under current law, a person may seek a permanent final protective order only if certain circumstances exist. As passed, this law will eliminate the laundry list of crimes noted in the statute and allow a victim of any crime of serious nature to seek a permanent protective order as to the stay away, no contact provisions. The law seeks to address recalcitrant and dangerous respondents, who, despite efforts to stop them, commit additional criminal acts against their victims, often in violation of a Court order

SENATE BILL 120: FAMILY LAW - DIVORCE ON GROUNDS OF MUTUAL CONSENT – PARTIES WITH MINOR CHILDREN

POSITION: SUPPORT
OUTCOME: PASSED

Senate Bill 120 will expand 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. In 2015, the legislature enacted a new ground for divorce, commonly known as “mutual consent to divorce”, that allows parties without children to obtain a divorce if they can resolve all the issues of the marriage (e.g., alimony, marital property). They can use this ground without having to wait the normal one year of separation. SB 120 extends this ground to parties with children.

DOMESTIC VIOLENCE

HOUSE BILL 328/SENATE BILL 121: FAMILY LAW - DOMESTIC VIOLENCE - DEFINITION OF ABUSE

POSITION: SUPPORT
OUTCOME: PASSED (SENATE VERSION)

This legislation as originally proposed expanded the definition of abuse in the protective order statute to include telephone misuse, misuse of electronic communications, revenge porn and visual surveillance, recognizing the myriad of modern ways an abuser can exercise power and control over and cause great fear and turmoil to a victim. The final version of the bill passed by the Senate expands the definition to include only revenge porn. While we would have preferred to see the more expansive version pass into law, we are happy that Maryland will soon provide this increased form of relief to victims of domestic violence.

HOUSE BILL 388/SENATE BILL 170: CRIMINAL PROCEDURE – VIOLATION OF CONDITIONS OF RELEASE

POSITION: SUPPORT
OUTCOME: PASSED

House Bill 388 makes it a crime for a criminal defendant to violate a pretrial order to stay away and have no contact with a victim. Under current law, when a criminal defendant is released pending trial, he or she often has conditions ordered, such as stay away and no contact with the victim. The purpose is to keep the victim of the alleged crime safe while the criminal process wends its way through the system. Currently, if a defendant violates a pretrial order of no contact, there is a cumbersome and time-consuming method to try to have the defendant held accountable. We believe making the violation a crime will increase safety for victims of intimate partner violence.

HOUSE BILL 633/SENATE BILL 578 AND HOUSE BILL 255: SECRETARY OF STATE – ADDRESS CONFIDENTIALITY PROGRAMS – SHIELDING OF REAL PROPERTY RECORDS

POSITION: SUPPORT
OUTCOME: HB633/SB578 PASSED; HB255 FAILED

When originally proposed, these bills were identical but with different bill sponsors. Ultimately, HB633 and SB578 were amended and passed. This law will provide a way for survivors of domestic violence to purchase real property without public dissemination of their actual new address to the public, through the Maryland Safe at Home Address Confidentiality Program (ACP), created by legislation in 2006 and administered by the Secretary of State. This program protects victims of

domestic violence, human trafficking, stalking and sexual assault by providing them with a substitute address to use as a legal residential, school or work address when interacting with State and local government. Under the current law, there are no provisions for shielding real property transactions, such as when a program participant purchases or sells a home. Currently, the deed must be recorded publicly, and the victim's home address becomes easily available to the abuser. HB 633 and SB 578 will rectify this problem.

HOUSE BILL 1302: PUBLIC SAFETY – EXTREME RISK PROTECTIVE ORDERS

POSITION: **SUPPORT WITH AMENDMENTS AND COMMENT**

OUTCOME: **PASSED – Signed into law on April 24, 2018**

This legislation establishes a new form of protective order where a petitioner may seek a court order to prevent a respondent from possessing or purchasing firearms if it is determined the respondent poses a danger of causing personal injury to himself or to others. This bill was in direct response to the seemingly unending list of incidents where individuals have engaged in mass shootings despite warning signs that the person was a danger to others.

**HOUSE BILL 1646/SENATE BILL 1036: CRIMINAL PROCEDURE – FIREARMS –
TRANSFER**

POSITION: **SUPPORT**

OUTCOME: **PASSED (HOUSE VERSION)**

House Bill 1646 creates a process for relinquishment of firearms in certain circumstances and provides a framework for ensuring that abusers who are disqualified from gun ownership properly surrender their guns. Access to firearms is a primary indicator of increased risk of lethality in intimate partner violence. Those who are convicted and not allowed to own firearms must be held accountable regarding surrendering them. This increases safety for victims of domestically related crimes.

**HOUSE BILL 30: FAMILY LAW – DOMESTIC VIOLENCE –
EDUCATION AND DEFINITION OF ABUSE**

POSITION: **SUPPORT WITH AMENDMENTS**

OUTCOME: **FAILED**

House Bill 30 would have added several pieces to the existing definition of abuse in the Domestic Violence statute, including harassment, and malicious destruction of property (both of which were given definitions in the proposed legislation). This behavior is typical of abusers who demonstrate the power and control they wield, while placing their victims in justifiable fear for their safety. The WLC supported this bill, but like last year, urged amendments to adopt the definitions of harassment and malicious destruction of property already contained in the *existing* definitions of these crimes, so as to avoid confusion within the law.

**HOUSE BILL 1189/SENATE 497: PUBLIC SAFETY – HANDGUN PERMITS –
PROTECTIVE ORDER AND PEACE ORDER**

POSITION: **OPPOSE**
OUTCOME: **DEFEATED**

This proposed legislation would have made obtaining a handgun permit easier and faster for people who have a protective or peace order. We opposed this bill as our experience, and social science, tells us that the introduction of firearms in domestic violence situations *increases* the possibility of serious injury or lethality.

**HOUSE BILL 1523: CRIMINAL PROCEDURE – DOMESTIC VIOLENCE OFFENDER
REGISTRY**

POSITION: **OPPOSE**
OUTCOME: **DEFEATED**

Based upon our long history of providing legal representation and assistance to victims of domestic violence, the WLC opposed HB1523, which would create a domestic violence offender registry, akin to sex offender registries, because this response to intimate partner violence would not improve or eradicate intimate partner violence, and may in fact chill the filing of criminal charges in these cases. This is not a victim-focused effort.

**HOUSE BILL 599: PEACE ORDERS AND PROTECTIVE ORDERS
– COERCIVE CONTROL**

POSITION: **SUPPORT**
OUTCOME: **FAILED**

House Bill 599 would have added “coercive control” to the definition of abuse in both the Peace and Protective order statutes. The Women’s Law Center supported House Bill 599 because at the core of most intimate partner violence there is coercive control, even when the abusive behavior does not include physical violence. Sometimes this type of control is more damaging than physical violence and yet our laws and courts almost always require, under current law, a physical manifestation. The WLC speaks to so many women describing the coercive nature of their relationship, seeking assistance, only to have them end up asking “do I have to wait until he harms me physically (punches, hits, kills)?” Unfortunately, our answer is often “yes, under current Maryland law, what he is doing to you does not meet the definition of abuse.”

HOUSE BILL 733: COURTS - CIVIL COURT RECORDS – SHIELDING

POSITION: SUPPORT WITH AMENDMENTS
OUTCOME: WITHDRAWN AFTER UNFAVORABLE REPORT

House Bill 733 would have allowed for shielding (removing from public view) civil cases once judgments are satisfied, and in some cases, even if not satisfied. The WLC has no quarrel with this bill in its intent, but suggest amendments to clarify several points. To the extent the intent was to address money judgments, the WLC was unopposed. However, as drafted, protective orders and divorce cases would also be included, which we would have opposed.

HOUSE BILL 1562: PEACE ORDERS AND PROTECTIVE ORDERS – SURRENDER OF FIREARMS

POSITION: SUPPORT WITH AMENDMENTS
OUTCOME: FAILED

House Bill 1562 would modify the current temporary protective order law and both temporary and final peace order law to require an order to surrender firearms in every case. The WLC lauds the goal of increasing safety for victims of intimate partner violence but had concerns about the need for this alteration in our law and the process in which it would have been implemented. Current law adequately protects victims from harm in most instances. We support best practices for judges to ask about firearms in every temporary hearing to determine whether the court should engage in the factors test.

FAMILY LAW

SENATE BILL 96: FAMILY LAW - DIVORCE ON GROUNDS OF MUTUAL CONSENT - COURT APPEARANCE

POSITION: SUPPORT
OUTCOME: PASSED

When parties file for divorce on the grounds of mutual consent, and all issues are resolved and they have entered into a separation agreement, there is no need for both parties to attend a perfunctory hearing in person before the Court. This bill aligns the specific ground for divorce with all the other grounds for divorce. Currently, in all other grounds for divorce, a party can proceed without the defendant present as long as he or she complies with all procedural requirements of notice and including obtaining a default against the party if necessary to proceed. Simply put, for some, having to both be at the court for the hearing is difficult to achieve and serves no real purpose.

**HOUSE BILL 1368: GROUNDS FOR DIVORCE – 12 MONTH SEPARATION – ORAL
AMENDMENT TO APPLICATION FOR DIVORCE**

POSITION: SUPPORT
OUTCOME: PASSED

A court may grant an absolute divorce based on numerous specified grounds, including when the parties have lived separate and apart for 12 months before filing an application for divorce. House Bill 1368 authorizes a party to make an oral amendment to their application for a limited or absolute divorce in open court, to qualify as “the filing of the application for divorce”.

**HOUSE BILL 1613/SENATE BILL 1239: APPOINTMENT OR DESIGNATION OF
STANDBY GUARDIAN – REMOVAL FROM THE UNITED STATES**

POSITION: SUPPORT
OUTCOME: PASSED (SENATE VERSION)

This law will address one of the main concerns currently plaguing undocumented parents in Maryland: who will watch over their children in the event the parents are removed from the country? In our work through our Multi Ethnic Domestic Violence Project (MEDOVI), providing immigration services for foreign born victims of domestic violence and sexual assault, we have had a number of clients in the past express concerns regarding their children, in the event the parent is faced with removal proceedings. These concerns have been heightened in the past year as the immigrant community has seen increased scrutiny and greater numbers of removals, without regard for the lives built and subsequently destroyed here in Maryland. Under the new law, family members of individuals who are facing removal from the United States will have an opportunity to petition for standby guardianship to ensure that family unity is preserved, and that children of removed individuals can continue their daily routine without the State interfering and uprooting them from their lives.

**HOUSE BILL 191/SENATE BILL 670: FAMILY LAW – MARRIAGE –
AGE REQUIREMENTS**

POSITION: OPPOSE
OUTCOME: DEFEATED IN CONFERENCE COMMITTEE

This legislation initially sought to create a blanket ban on marriage for any party that is under the age of 18. The WLC respectfully continued to oppose this bill, as it would undercut the agency of young women without furthering its goal of preventing forced marriage and sex trafficking. The current law has sufficient safeguards to prevent marriage by duress without imposing unnecessary limitations on the parties. Furthermore, it is our position that the first step to addressing those concerns related to underage marriage would be to create a system for certain mature minors to be deemed emancipated. The Senate version, which the WLC did not oppose as amended, would have raised the minimum age to marry from 15 to 16, however when the two versions were sent to Conference Committee no compromise was reached.

HOUSE BILL 267: CRIMES – ADULTERY- REPEAL

POSITION: SUPPORT

OUTCOME: FAILED

House Bill 267 would have simply repealed the misdemeanor crime of adultery, which is currently a misdemeanor crime with a fine of \$10.00. It is an anachronistic relic in the 21st century, which appears to exist solely to be used as a strategy in family law cases. With the decline of fault-based grounds for divorce, in addition to other modernizing changes to our family laws, adultery can be addressed and considered in a divorce case without it being a crime.

HOUSE BILL 1032/SENATE BILL 684: FAMILY LAW – LEGAL DECISION MAKING AND PARENTING TIME

POSITION: SUPPORT

OUTCOME: FAILED

House Bill 1032 and Senate Bill 684 would have provided a much needed overhaul and update to our custody laws in Maryland. The WLC supported this legislation because it would have codified existing Maryland case law regarding custody determinations into a statute based on the best interests of the child standard. It would also make language changes to better identify and support the relationships between parents and children. This proposed law was the revised product of a one year Child Custody Decision-Making Commission that determined the “best interests of the child” standard remains the best way for courts to make custody decisions.

HOUSE BILL 1034: GROUNDS FOR DIVORCE – MUTUAL CONSENT – MILITARY SERVICE

POSITION: SUPPORT

OUTCOME: FAILED

House Bill 1034 would have modified the “mutual consent” ground for divorce to make it a viable option for those in the military *with* children who want an uncontested divorce. The WLC supported HB 1034 as another reasonable modification of this ground for divorce. However, with the passage of SB 120, which permits a divorce on the grounds of mutual consent for parties with minor children under certain circumstances, this bill became moot.

HOUSE BILL 1152/SENATE BILL 965: FAMILY LAW – AGE OF MAJORITY – JURISDICTION OF THE COURT

POSITION: SUPPORT WITH AMENDMENTS

OUTCOME: FAILED

This legislation would confer upon an individual between the ages of 18 and 22 years the right to support and maintenance from her/his parents *if* that person is enrolled for at least 12 credit hours in an institution of postsecondary education. While we supported the intent and end-goal of the bill, we believe there would be benefit to considering the bill in conjunction with the overall review of the child support guidelines anticipated later this year or early next year.

**HOUSE BILL 1157: GROUNDS FOR DIVORCE – MUTUAL CONSENT –
SETTLEMENT IN OPEN COURT**

POSITION: **SUPPORT**
OUTCOME: **FAILED**

House Bill 1157 would modify the “mutual consent” ground for divorce to allow an oral rather than a written agreement to satisfy the ground. Under current law, parties who have no children, and who are able to reach an agreement as to all issues of the dissolution of marriage, may file for divorce under the ground “mutual consent to divorce” by supplying a written separation agreement to the court and with both parties appearing. This legislation would allow the parties to offer an oral agreement on the record in court instead, thereby facilitating easier settlements.

**HOUSE BILL 1304: FAMILY LAW – MINORS – EMANCIPATION
(EMANCIPATION OF MINORS ACT)**

POSITION: **FAVORABLE ONLY WITH AMENDMENTS**
OUTCOME: **WITHDRAWN BY SPONSOR AFTER UNFAVORABLE REPORT**

Currently Maryland is one of a minority of states that have not yet codified an emancipation process; emancipation remains a common law concept only. House Bill 1304 would have codified emancipation law into a statute for 16 and 17 year olds who seek to separate themselves legally from their parents or guardians. While emancipation involves issues relative to family law, issues faced by youth who are unsupported, abandoned or even abused by their parents are extremely complicated and intertwined with many other issues, such as availability of this process to those in foster care, access to shelter and other services. The WLC supports the concept of an emancipation statute and fully respects the work being done on this issue, but believes a broader group of stakeholders should be involved.

EMPLOYMENT & ECONOMIC SECURITY

**HOUSE BILL 306: STATE PERSONNEL – RIGHTS AND PROTECTIONS FOR NURSING
MOTHERS**

POSITION: **SUPPORT**
OUTCOME: **PASSED**

House Bill 306 requires the State to provide a reasonable break time for a state employee to express breast milk for her nursing child for 1 year after the child's birth each time the employee needs to express the milk and to provide a private place for the employee to express breast milk. In essence, this bill seeks to provide the same benefits many employees already receive under the Fair Labor Standards Act (FLSA) to employees who are currently exempt. Because a diverse and well-rounded workforce includes women in all stages of life, and Maryland families depend on pregnant and nursing women to support them, we were happy to support this legislation.

HOUSE BILL 775/SENATE BILL 859: STATE EMPLOYEES – PARENTAL LEAVE

POSITION: **SUPPORT**
OUTCOME: **PASSED (SENATE VERSION)**

Under this legislation the State will be required to provide up to 60 days of parental leave for Executive Branch employees to care for a newly born or newly adopted child. Upon meeting certain notice requirements, the leave will be with pay. This benefit helps not only families, but the workforce in general. Two-thirds of first-time mothers now work after their child is born, and research shows that paid leave increases the likelihood that workers return to work after childbirth, improves employee morale, and improves family incomes, amongst other positive benefits. Providing paid family leave for State employees is a first step towards helping both working families and our economy continue to thrive.

HOUSE BILL 856/SENATE BILL 647: EARNED INCOME TAX CREDIT – INDIVIDUALS WITHOUT QUALIFYING CHILDREN - EXPANSION

POSITION: **SUPPORT**
OUTCOME: **PASSED**

Adjustments to Maryland's Earned Income Tax Credit (EITC) will now include three important steps: allowing people ages 18 to 24 to claim the credit; increasing the income limit to \$23,540 for someone filing taxes as single to claim the state EITC; and allowing workers not claiming dependents to receive a state tax credit equal to 100 percent of the federal EITC, up to \$510 for the 2017 tax year. We supported this legislation as we believe all women can use the encouragement and reward for work that would allow them to provide for themselves and their futures, regardless of their parenting status. Improving the EITC for childless workers will benefit countless numbers of women, including women in low-wage jobs, where women are a large majority of workers; young women who already experience a wage gap and are burdened by student debt; mothers whose children have left home or who are too old to be claimed for the EITC, and who are economically disadvantaged by caregiving; and older women who need to increase income before retirement.

HOUSE BILL 1228: EQUAL EMPLOYMENT OPPORTUNITY PROGRAM – SEXUAL HARASSMENT REPORTING

POSITION: SUPPORT
OUTCOME: PASSED

According to the Equal Employment Opportunity Commission (EEOC), at least one in four women have been sexually harassed in the workplace. In order to combat those staggering statistics, employers must take steps to not only educate their employees but also to increase awareness of the issue at large. To that end, this legislation will require all state agencies report information related to their sexual harassment policies and prevention training, as well as a summary of all sexual harassment complaints filed, investigated, resolved and pending. By requiring this information be provided annually to the state Equal Employment Opportunity Coordinator, agencies are held accountable to the public, and it would ensure that agencies are fulfilling their obligations by training their staff, maintaining proper procedures, and addressing complaints.

**HOUSE BILL 1342/SENATE BILL 1138: STATE GOVERNMENT -
DISCRIMINATION AND HARASSMENT**

POSITION: SUPPORT
OUTCOME: PASSED (HOUSE VERSION)

As the #MeToo movement has proven, sexual harassment in the workplace is still an obstacle many women face – including those elected to the Maryland General Assembly. Addressing the problem within the Legislature poses substantial difficulties, particularly as voters “hire” the legislators who are then not subject to standard employment laws and rules. House Bill 1342 adds sexual harassment to the realm of unethical behavior in the Senate and House, authorizing parties to file complaints against legislators or lobbyists, so that such illegal behavior can be addressed. The bill further provides for an independent investigation of the complaint. All women deserve a workplace free of harassment – including our elected officials.

**HOUSE BILL 1423: STATE PERSONNEL – SEXUAL HARASSMENT PREVENTION
TRAINING – REQUIRED**

POSITION: SUPPORT
OUTCOME: PASSED

Workplace harassment is alleged in nearly 30% of all complaints filed with the EEOC, yet many workers, particularly those in low-wage jobs are loathe to report it, fearing retaliation and humiliation. In order to combat those staggering statistics, employers must take steps to not only educate their employees but also to increase awareness of the issue at large. House Bill 1423 will assist in addressing these issues by requiring all state employees undergo sexual harassment training within six months of starting their employment and every two years thereafter. More training is not the sole answer to the sexual harassment epidemic plaguing our workforce. But while it may not always prevent sexual

harassment, it provides important information to victims regarding how to report harassment, and to supervisors, regarding how to address the situation appropriately and prevent retaliation. Having policies in place is insufficient if they are not communicated regularly and understandably to the workforce.

SENATE BILL 81: SALES AND USE TAX – HYGIENIC AIDS – EXEMPTIONS

POSITION: SUPPORT

OUTCOME: PASSED – Signed into law on April 24, 2018

This new law expands the current exemption from the sales tax for the sale of tampons and sanitary napkins to include the broad array of feminine hygiene products currently available to women. It prevents Maryland women from being unfairly subjected to sales tax just for choosing the type of feminine hygiene products that work best for them. No feminine hygiene products should be deemed a luxury, and therefore none should be subject to the sales and use tax.

HOUSE BILL 98/SENATE BILL 135: PAID LEAVE COMPROMISE ACT OF 2018
HOUSE BILL 779: MARYLAND HEALTHY WORKING FAMILIES ACT – EXEMPTION – FACILITY WITH ON-SITE HEALTH CLINIC
HOUSE BILL 1262: HEALTHY WORKING FAMILIES ACT – ENFORCEMENT – MODIFICATIONS (ENFORCEMENT CONSISTENCY ACT)
HOUSE BILL 1314: HEALTHY WORKING FAMILIES ACT – EXEMPTIONS – MODIFICATIONS
HOUSE BILL 1417: HEALTHY WORKING FAMILIES ACT – DELAY OF EFFECTIVE DATE
HOUSE BILL 1421: LABOR AND EMPLOYMENT – MARYLAND HEALTHY WORKING FAMILIES ACT – SEASONAL WORKER REVISIONS

POSITION: OPPOSE

OUTCOME: ALL BILLS DEFEATED

In 2017 the Legislature passed The Maryland Healthy Working Families Act (“MHWFA”). After overcoming several hurdles, including the Governor’s veto, the bill went into effect on February 11, 2018; on that date approximately 700,000 Marylanders began to earn sick and safe leave for the first time. The MHWFA finally granted workers the right to earn safe and sick leave so that they no longer must choose between their jobs and their health and safety. A slate of bills were proposed to undermine, delay, and erode the benefits of that hard-won piece of legislation. Of particular importance to the WLC are the provisions of MHWFA regarding “Safe Leave” which allow an employee to use earned leave days to deal with medical, psychological or legal issues arising from domestic violence. We fought hard alongside other advocates to ensure that the rights provided in the MHWFA were not chipped away.

HOUSE BILL 62: PROCUREMENT CONTRACTS – GENDER WAGE GAP REPORTING

POSITION: SUPPORT
OUTCOME: FAILED

House Bill 62 sought to build on the progress made recent years to eliminate the gender pay gap in Maryland by requiring entities wishing to contract with the State to provide information related to the pay disparities between male and female employees within the organization. The gender pay gap continues to be a challenge for working families and by requiring bidders to provide information the State would be able to assess the progress that is made and motivate businesses that wish to work with the State to ensure pay equity.

HOUSE BILL 345: SALES AND USE TAX – DIAPERS – EXEMPTIONS

POSITION: SUPPORT
OUTCOME: FAILED

House Bill 345 would have expanded the current exemption from the sales and use tax for baby related products to include diapers. Currently, baby oil and baby powder are exempt from sales tax, but diapers are inexplicably excluded from that list, despite being a necessity for any newborn, infant, and toddler. As many as 1 in 3 mothers report difficulties in affording basic necessities for their infants, including diapers. At the WLC we believe diapers should not be deemed a luxury, and therefore should not be subject to the sales and use tax. By supporting the affordability of diapers, we support working women and their ability to support their families.

HOUSE BILL 512/SENATE BILL 377: LABOR AND EMPLOYMENT – PAY SCALES AND WAGE HISTORY INFORMATION

POSITION: SUPPORT
OUTCOME: FAILED

Seeking to build on the progress made in 2016 to eliminate the gender pay gap in Maryland, this legislation would have prevented employers from inquiring about, or relying upon, prior salary history when establishing an employee's (or applicant's potential) salary. This practice, which is slowly being abandoned throughout the business world, reinforces prior discrimination and punishes individuals – most often women - who are returning to the workforce after taking leave to raise children or care for ill or aging family members. While a House version passed through one chamber, it removed many of the enforcement provisions and nonetheless failed to make headway in the Senate for the second year in a row.

HOUSE BILL 656/SENATE BILL 945: MOTOR VEHICLE INSURANCE - DISCRIMINATION IN UNDERWRITING AND RATING - USE OF OCCUPATION OR EDUCATION LEVEL And

**HOUSE BILL 657/SENATE BILL 1059: MOTOR VEHICLE INSURANCE –
DISCRIMINATION IN UNDERWRITING AND RATING – USE OF MARITAL STATUS OR
GENDER**

POSITION: **SUPPORT**
OUTCOME: **FAILED**

These pieces of legislation would prohibit auto insurance companies from using factors that aren't related to a driving record, such as gender, marital status, or an individual's occupation or education level, when determining rates. Many insurance companies weigh whether an applicant is a woman, and whether she is married, heavily against them so that women often pay up to \$500 more than a comparable male driver. In fact, women pay as much as 39% more for insurance than otherwise identical men. It is our position that auto insurance rates should be based on driving record and driving experience – not on an individual's gender or marital status. These bills would increase safety standards, while simultaneously eliminating barriers to economic stability for low-income women who need a car to get to work.

**HOUSE BILL 664/SENATE BILL 543: LABOR AND EMPLOYMENT - PAYMENT OF
MINIMUM WAGE REQUIRED (FIGHT FOR FIFTEEN)**

POSITION: **SUPPORT**
OUTCOME: **FAILED**

These bills would have raised the statewide minimum wage rate to \$15.00/hour by the year 2023. Additionally, they established a methodology for increasing the minimum wage rate annually in conjunction with the average percent growth in the consumer price index for the immediately preceding 12-month period. Finally, they would also gradually eliminate the subminimum tipped wage by 2026, bringing tipped workers up to the full minimum wage. Women account for less than half of the U.S. working population, yet nearly 6 in 10 workers earning the minimum wage are women. Many are working full time and yet they are still living below the poverty line. In Maryland, two-thirds of families now have women as sole, co, or primary breadwinners. Women of Color constitute 23% of minimum wage workers, yet only 16% of the general workforce. These statistics underline the need for progressive minimum wage laws that accurately reflect the growth and demands of our communities.

**HOUSE BILL 1109: DISCRIMINATION IN EMPLOYMENT – CONDITIONS RELATED
TO PREGNANCY OR CHILDBIRTH**

POSITION: **SUPPORT**
OUTCOME: **FAILED**

This bill sought to build on legislation passed in 2013 requiring reasonable accommodations for pregnant workers by creating a small expansion of the law to cover *all* pregnant women with a medical need for accommodation (not just those with a separate medical condition or complication brought on

by pregnancy).

HOUSE BILL 1611: COURTS - CONCEALMENT OF PUBLIC HAZARD AND SEXUAL HARASSMENT (SUNSHINE IN LITIGATION ACT)

POSITION: **SUPPORT**
OUTCOME: **FAILED**

This bill contained various provisions that would find certain confidentiality agreements and orders to be a violation of public policy, including a section on sexual harassment, stating that a court order or contract that conceals sexual harassment or information concerning sexual harassment is contrary to public policy and as such, unenforceable. Nondisclosure clauses in settlement agreements pertaining to sexual harassment prevent victims from speaking out about their experience, thereby hiding the true extent of sexual harassment at a workplace and often allowing perpetrators to continue with their unwelcome practices.

HOUSE JOINT RESOLUTION 2/SENATE JOINT RESOLUTION 4: INCREASING MARYLAND'S COMPETITIVENESS THROUGH GENDER DIVERSITY IN BOARDROOMS

AND

SENATE JOINT RESOLUTION 3: WOMEN ON BOARDS

POSITION: **SUPPORT**
OUTCOME: **FAILED**

This collection of Joint Resolutions sought to recognize and bring to light the deficiency of women within Maryland boardrooms and in executive positions. Setting a goal that all privately and publicly traded institutions, as well as non-profit organizations, doing business in Maryland should have at least 30% of their boards of directors composed of women by the year 2021, they asked that gender diversity become a priority of the State. Leading authorities on pay equity believe the next important step involves placing more women on corporate boards to influence compensation policies and practices.

HOUSE BILL 571: GENERAL ASSEMBLY – LACTATION ROOM - REQUIRED

POSITION: **SUPPORT**
OUTCOME: **WITHDRAWN**

House Bill 571 sought to require the State to provide a designated, private lactation room within the premises of the General Assembly for use by members of the General Assembly, General Assembly employees, and members of the general public. The bill was withdrawn after internal systems were set up to establish this important resource without legislation.

**HOUSE BILL 1239: LABOR AND EMPLOYMENT – SEXUAL HARASSMENT –
CONTRACTUAL WAIVERS**

POSITION: **SUPPORT**
OUTCOME: **WITHDRAWN AFTER UNFAVORABLE REPORT**

This bill admirably sought to outlaw an employer’s attempt to require an employee to waive his or her right to pursue sexual harassment claims under the law. Victims of sexual harassment are harmed when employers force arbitration, or otherwise impose a limitation on remedies available under the law. Moreover, as recently publicized sexual harassment charges highlight, secret resolution of sexual harassment complaints fosters an atmosphere where a supervisor can harass multiple subordinates without anything being done to prevent future instances of harassment. While the WLC supported this bill, a similar bill was ultimately passed (HB1596/SB1010) providing additional benefits and greater scope of protections.

REPRODUCTIVE RIGHTS

**HOUSE BILL 251/SENATE BILL 402: EDUCATION - FAMILY LIFE AND HUMAN
SEXUALITY CURRICULUM – BOUNDARIES AND CONSENT**

POSITION: **SUPPORT**
OUTCOME: **PASSED**

This legislation requires all public schools to include instruction related to affirmative sexual consent as part of existing Family Life and Human Sexuality curriculum in grades 5 and higher. Consent is defined as “clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in each act within the course of sexual activity.” As we firmly believe in robust sexual education that promotes healthy and safe relationships, we strongly supported these efforts and are pleased to see them pass. In short, it is time we taught not to rape, instead of how not to get raped.

**HOUSE BILL 787/SENATE 629: CORRECTIONAL FACILITIES – PREGNANT INMATES
– MEDICAL CARE**

POSITION: **SUPPORT**
OUTCOME: **PASSED**

As members of the coalition, Reproductive Justice Inside, the WLC strongly believes all women are entitled to quality healthcare and medical information, regardless of their status within the justice system. Reproductive health care needs do not cease upon entering prison, particularly when approximately 6-10% of women are already pregnant when they enter a prison or jail. While

reproductive healthcare is an essential human right for any woman, the services they receive when incarcerated are varied and inconsistent and have a disproportionate effect on women of color when one in eighteen black women and one in 45 Latina women go to prison at some point, while one in 111 white women would face incarceration. By requiring written policies, the State ensures that fair treatment is provided across the board at all facilities and that facilities are prepared to respond when a situation arises.

**HOUSE BILL 797/SENATE BILL 598: CORRECTIONAL SERVICES –INMATES –
MENSTRUAL HYGIENE PRODUCTS**

POSITION: **SUPPORT**
OUTCOME: **PASSED – Signed into law on April 24, 2018**

This new law is a matter of basic human dignity and public health, requiring all correctional facilities, to provide menstrual hygiene products, including tampons and pads, to female inmates at no cost and on demand. Menstrual hygiene products should not be considered a luxury and should never be used as a bargaining chip for incarcerated women; they are a basic hygienic requirement that should be furnished without question as needed. The provision of menstrual hygiene products to female inmates at no cost is not only the right thing to do, but also appropriate as a matter of public health.

**HOUSE BILL 1024/SENATE BILL 986: STATE EMPLOYEE AND RETIREE HEALTH
AND WELFARE BENEFITS PROGRAM - CONTRACEPTIVE DRUGS AND DEVICES
AND MALE STERILIZATION**

POSITION: **SUPPORT**
OUTCOME: **PASSED**

This law fill some gaps left after the monumental 2016 passage of the Contraceptive Equity Act by providing the same access to reproductive health care to state employees that those individuals who are privately insured are guaranteed. It will ensure that families who work for the State have access to the best contraception method for their families.

**HOUSE BILL 748/SENATE BILL 533: CRIMINAL LAW – HOMICIDE – UNBORN CHILD
(LAURA AND REID’S LAW)**

POSITION: **OPPOSE**
OUTCOME: **DEFEATED**

This legislation would have significantly expanded the current fetal homicide law. Current law states that a prosecution may be instituted for murder or manslaughter of a “viable fetus”, whereas these bills would have changed the wording to “unborn child.” As staunch advocates for women’s bodily autonomy, we opposed this bill and any other legislation that could create a potential slippery slope concerning a woman’s right to choose. The term “unborn child” is a political term, used neither in

medicine nor law, but instead found in model legislation drafted by The Americans United for Life. A legal precedent of this sort would endanger a woman's right to terminate a pregnancy as protected under federal and Maryland law. Despite assurances in the bill language that the statute shall not be construed to confer personhood or other legal rights on the fetus, it creates a precedent that foreseeably could lead to that determination, and leads to the inevitable problem of pitting the value of the life of the woman against that of the fetus. The WLC vehemently opposes any attempts, direct or indirect, on Marylanders' right to choose.

HOUSE BILL 1335: PUBLIC HEALTH – ABORTIONS SOUGHT BY MINORS – PARENT OR GUARDIAN CONSENT

POSITION: **OPPOSE**
OUTCOME: **DEFEATED**

House Bill 1335 would impose a dangerous waiting period before a young woman could access abortion services, add overly burdensome and intrusive barriers to their ability to access abortion services, interfere with the doctor/patient relationship, and make unnecessary changes to Maryland's current parental notification requirements. It does not put the health and safety of the pregnant teen first, and would be an overly burdensome restriction on the rights of women to obtain an abortion, intended to limit access to abortion, under the guise of protecting pregnant teenagers.

HOUSE BILL 1355/SENATE BILL 1067: UNBORN CHILD PROTECTION FROM DISMEMBERMENT ABORTION ACT OF 2018

POSITION: **OPPOSE**
OUTCOME: **DEFEATED**

In yet another outrageous attempt to limit a woman's right to choose, House Bill 1355 would outlaw the safest method of performing abortions on women who are 14 weeks or more pregnant. It would create undue risks on woman's health, and invade very personal decisions that women have a constitutional right to make. Doctors, who are always in the best position to determine the appropriate medical course of action, should be free to make medical decisions without fear of litigation from disgruntled spouses or parents of the pregnant woman.

HOUSE BILL 1424: PAIN CAPABLE UNBORN CHILD PROTECTION ACT

POSITION: **OPPOSE**
OUTCOME: **DEFEATED**

Based on contested medical assertions and invading very personal decisions that women have a constitutional right to make and should make in consultation with their doctors, this bill is yet another attack on a woman's reproductive rights. Decisions about pregnancy are and should remain a matter

between a woman and her doctor. No one else can place themselves in the position of a woman contemplating terminating her pregnancy; each case is unique and individual.

HOUSE BILL 1111/SENATE BILL 969: PUBLIC INSTITUTIONS OF HIGHER EDUCATION - ACCESS OF STUDENTS TO EMERGENCY CONTRACEPTION

POSITION: **SUPPORT**
OUTCOME: **FAILED**

This bill would have provided students at public colleges and universities in Maryland 24/7 access to emergency contraception (EC). Emergency contraception is a safe and effective tool in preventing pregnancy, and is most effective when used as soon as possible after having unprotected sex. But normal operating hours of student health centers are limited and often not open during the times students would need EC the most: in the evenings and on weekends.

HOUSE BILL 1038: HEALTH INSURANCE – HEALTH BENEFIT PLANS – SPECIAL ENROLLMENT PERIOD FOR PREGNANCY

POSITION: **SUPPORT**
OUTCOME: **FAILED**

House Bill 1038 sought to make pregnancy a qualifying event in terms of when a woman can specially enroll for health insurance coverage. Currently, qualifying events are primarily limited to marriage, the death of the insured or their spouse/dependent, the birth or adoption of a child by the insured or their spouse, or legal separation or divorce. Pregnancy is not considered a triggering event and therefore an otherwise eligible pregnant woman who is currently uninsured must wait until the open enrollment period or after the birth of the child to enroll in health care. Having a healthy pregnancy is one of the best ways to promote a healthy birth, yet the biggest barrier to obtaining prenatal care is often a lack of insurance coverage. Many women become pregnant unexpectedly and thus are unable to plan ahead and enroll in insurance during open enrollment. HB1038 would have supported those women in accessing the health care that is so vital for a healthy pregnancy.

SEXUAL ASSAULT

HOUSE BILL 1292: PUBLIC SAFETY – LAW ENFORCEMENT – PROHIBITION ON SEXUAL ACTIVITY

POSITION: **SUPPORT**
OUTCOME: **PASSED**

House Bill 1292 prohibits law enforcement officers from engaging in sexual acts with any person in law enforcement's custody. As law enforcement offices hold positions of trust and authority within the community, they must not be permitted to abuse that position.

HOUSE BILL 008/SENATE BILL 413: CRIMINAL PROCEDURE – SEXUAL ASSAULT EVIDENCE COLLECTION KIT – TESTING REQUIRED

POSITION: **SUPPORT**
OUTCOME: **FAILED – UNFAVORABLE REPORT**

This legislation would have continued the progress made last year that mandated rape kits across the state to be treated uniformly, by requiring that they be maintained for twenty years, and requiring victims to be notified prior to the kit’s destruction. It would have required any DNA collected as part of a sexual assault evidence collection kit (rape kit) to be tested within 1 year of collection. The WLC supported the bills as a helpful way to increase the number of tests conducted and evidence collected, thereby ensuring survivors are given the information they need to move forward with their lives.

HOUSE BILL 353: COURTS - EVIDENCE OF SEXUALLY ASSAULTIVE BEHAVIOR - ADMISSIBILITY - REPEAT SEXUAL PREDATOR PREVENTION ACT

COMMITTEE: **JUDICIARY**
POSITION: **SUPPORT WITH AMENDMENTS**
OUTCOME: **FAILED – UNFAVORABLE REPORT**

House Bill 353 was very similar in nature and intent to HB301/SB270’s version of the Repeat Sexual Predator Act. However, HB 353 does not contain language contained in HB301 – that courts may not rule that past acts of sexual assault are unfairly prejudicial merely because they are sexual in nature. As such, while the WLC supported HB353, we focused our support on HB301/SB270.

CIVIL & HUMAN RIGHTS

HOUSE BILL 902/SENATE BILL 1028: HEALTH OCCUPATIONS - CONVERSION THERAPY FOR MINORS - PROHIBITION (YOUTH MENTAL HEALTH PROTECTION ACT)

POSITION: **SUPPORT**
OUTCOME: **PASSED**

We believe in the dignity of all individuals and that medical treatment should be based on research and clinical evidence; medicine should be unbiased and not manipulated to further a discriminatory agenda. This legislation will prohibit the harmful and unsubstantiated practice of “Conversion Therapy” for LGBTQ+ youth in Maryland. Conversion Therapy involves a medical practitioner attempting to change an adolescent’s sexual orientation or gender identity. This harmful practice has taken place across the

country in a variety of guises, some talk therapy to aversion therapy, all with the same anti-LGBTQ+ agenda. There is no scientific or medical data that conversion therapy is successful, or more importantly, necessary. An individual's sexuality or gender identity is not a medical disability to be cured and treating it as such is a violation of that individual's dignity and basic human rights.

HOUSE BILL 661: CRIMES – FEMALE GENITAL MUTILATION – PENALTIES

POSITION: **SUPPORT**
OUTCOME: **FAILED**

This bill would have increased the penalty for the crime of female genital mutilation from a sentence not exceeding 5 years or \$5,000 (or both), to 20 years or \$10,000 (or both). Considering the fact that in 2013, Maryland was ranked fifth in the United States for girls at risk of female genital mutilation, we feel strongly that our penalties should reflect our abhorrence of this act.

HOUSE BILL 1119: HATE CRIMES – CIVIL REMEDIES

POSITION: **SUPPORT**
OUTCOME: **FAILED**

House Bill 1119 would have provided individuals who have been the victim of a hate crime the right to sue their perpetrators, thereby allowing victims to recover damages for economic and noneconomic harms caused by the acts. Hate crimes are intended to intimidate the victim and the victim's community, resulting in isolation and vulnerability, causing particularly profound emotional and psychological damages. Victims should have an avenue to access our justice system independently, and the opportunity to be made whole after experiencing the economic and noneconomic damages of these threatening actions.

HOUSE BILL 1267/SENATE BILL 869: CRIMINAL PROCEDURE – MOTION TO VACATE JUDGMENT - HUMAN TRAFFICKING

POSITION: **SUPPORT**
OUTCOME: **FAILED**

HB 1267 would have expanded the post-conviction relief available to survivors of human trafficking (and add survivors of labor trafficking) who are already recognized as lacking the criminal intent to commit the crimes for which they were convicted. It would expand the enumerated crimes for which a trafficked person could seek vacatur, including for trespass and drug possession.

HOUSE BILL 1270/SENATE BILL 1042: ACCESS TO MARYLAND COURTS ACT

POSITION: SUPPORT
OUTCOME: FAILED

This legislation would have allowed Maryland courts to award reasonable attorney fees and expenses in a claim for relief against the State for a violation of a right under the Maryland Constitution or Declaration of Rights. Why is this important? If a government entity violates a person's constitutional rights, that person needs an attorney to help vindicate those rights in court. Unfortunately, few people can afford to hire an attorney and we know there are not sufficient legal service organizations for the needs of citizens in Maryland. This would have helped hold government agencies accountable for their actions.

HOUSE BILL 1276/SENATE BILL 881: CRIMINAL LAW - HUMAN TRAFFICKING AND PROSTITUTION OFFENSES

POSITION: SUPPORT
OUTCOME: FAILED

This bill would have moved the state's current human trafficking laws to another section of the Maryland Code, as well as make other necessary amendments to accurately reflect how people who have been victimized by sex and labor trafficking deal with these issues. It was a valuable effort to update our current laws as we, and the entire country, begin to better understand the actual occurrences around sex and labor trafficking and how detrimental it is to individuals and society as a whole.

HOUSE BILL 1461: SUPPORTING ALL FAMILIES EVERYWHERE (SAFE) ACT

POSITION: SUPPORT
OUTCOME: FAILED

Much like 2017's TRUST Act, the SAFE Act would have affirmed protections for undocumented immigrants, such as the victims of domestic violence served by our MEDOVI project, and prohibited the State from acting as an arm of federal immigration services. The bill would prevent local police officers from inquiring about a person's immigration status, and prevent local jails from holding someone on immigration violations unless federal agents present a valid court order. The purpose of the SAFE Act was to rebuild trust between communities and local law enforcement agencies and to ensure that local resources and tax dollars are well spent. It would not alter the criminal legal system, but rather aimed to restore community trust in our law enforcement officials, improve public safety (by ensuring people can report crimes without the fear of deportation), and stop the expenditure of precious local dollars on federal enforcement efforts.

HOUSE BILL 1493/SENATE BILL 526: LABOR AND EMPLOYMENT – REGULATION OF

FARM LABOR CONTRACTORS AND FOREIGN LABOR CONTRACTORS

POSITION: SUPPORT

OUTCOME: FAILED

The WLC supported this legislation because it would enhance Maryland's ability to protect foreign workers legally entering the United States from human trafficking and other human rights abuses. The incidence of known human trafficking cases involving foreign labor recruiters is increasing dramatically in the United States. While many foreign labor recruiters behave ethically and are engaged in lawful conduct, a growing percentage are often complicit with, or directly involved in, trafficking of workers. If passed, it would have made foreign workers less vulnerable to the crime of human trafficking by increasing the regulation of foreign labor recruiters.