
2019 Legislative Wrap Up

PRIORITY SUCCESSES

House Bill 679 / Senate Bill 872: Workplace Harassment – Prohibitions, Liability, and Enforcement

POSITION: SUPPORT

RESULT: PASSED (House Version) – Signed Into Law On April 30, 2019

In the wake of the #MeToo movement, the Maryland General Assembly created a Workplace Harassment Commission to address the serious issues of workplace sexual harassment and to bolster the reforms undertaken by the General Assembly last session. This legislation builds on the recommendations of the Commission, which addressed not only sexual harassment, but workplace harassment of any form, including harassment based on other forms of discrimination such as race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, or disability.

This comprehensive, holistic approach to addressing workplace harassment, makes the following changes to current law:

- Changes the definition of employer to include any employer with one or more employees.
- Clarifies that “employer” includes agents and direct supervisors
- Extends the time for filing administrative complaints for harassment to 2 years and the time to file suit to 3 years
- Ensures Independent Contractors (including those working in the “gig economy” are covered by harassment laws
- Ensures personal staff of elected officials are covered by harassment laws
- Clarifies that access to the legislative complex may be revoked if an individual unlawfully harasses or discriminates against another member of within the community.

House Bill 1249 / Senate Bill 657: Pilot Program – Alleged Rape, Sexual Offense, or Child Sexual Abuse – HIV Post-exposure Prophylaxis

POSITION: SUPPORT

RESULT: PASSED (Senate version) – Signed Into Law On May 13, 2019

WLC supported this legislation because it will create a pilot program to ensure that rape victims have meaningful access to medication to prevent HIV infection after a sexual assault.

Disproportionately affecting women, one in five women and one in 71 men will be raped at some point in their lives; 91% of rape victims are women. Furthermore, 45% of women in abusive relationships are also sexually assaulted by their partners. These women are four times more likely to contract sexually transmitted diseases, including HIV, than women in non-violent relationships.

House Bill 1116 / Senate Bill 911: Gender Diversity in the Boardroom

POSITION: SUPPORT

RESULT: PASSED – Signed Into Law On May 13, 2019

This legislation seeks to recognize and bring to light the deficiency of women within Maryland board rooms and in executive positions. Leading authorities on pay equity believe the next important step involves placing more women on corporate boards to influence compensation policies and practices. Maryland's statistics lag behind the national levels, as only 16.8% of directors are women in Maryland. And for women of color, that number is shockingly low at only 2%. This law will require corporations operating within the state with budgets greater than \$5,000,000 include the number of board members and the number of directors that are women with the information supplied upon the filing of their annual tax reports.

House Bill 166 / Senate Bill 280: Labor and Employment - Payment of Minimum Wage Required (Fight for Fifteen)

POSITION: SUPPORT

RESULT: PASSED, VETOED (3/27/19), VETO OVERRIDDEN (3/28/19)

This legislation raises the statewide minimum wage rate to \$15.00/hour by the year 2025. The law will benefit about 573,000 workers in Maryland who currently earn less than \$15. Approximately 33% of Maryland workers earn minimum wage and 60% of those workers are women. For these reasons, The Women's Law Center was proud to have played a small role as a coalition member, supporting the Fight for Fifteen.

House Bill 1096 / Senate Bill 767: Criminal Procedure – Sexual Assault Evidence Collection Kits - Analysis

POSITION: SUPPORT WITH AMENDMENT

RESULT: PASSED (House version) – Signed Into Law On April 18, 2019

This legislation mandates testing for sexual assault evidence kits in almost all cases. Testing kits have multiple benefits beyond simply identification by helping link crimes together, identifying serial rapists, confirming a victim's report, and exonerating an innocent suspect. However, due to funding concerns, and other variables, many kits remain untested. Largely following the recommendations of the Attorney General's Report on Sexual Assault Evidence Kits, it recognizes that all kits should be tested, but not without the full consent of the victim. This law will be part of coordinated community efforts to stop violence against women and hold offenders accountable for their crimes.

House Bill 667 / Senate Bill 138: Stalking – Violation of Conditions of Release

POSITION: SUPPORT

RESULT: PASSED (Senate version) – Signed Into Law On April 18, 2019

Last year, the Legislature passed a bill making it a crime to violate a condition of release, including “stay away,” no contact provisions, in crimes of violence, in domestically related crimes, and for sex crimes against minors, thereby allowing police to arrest a defendant who has violated a pretrial release no contact order. This legislation adds stalking to the list of violative acts. Stalking can be a precursor to serious violence and this law will hold perpetrators accountable appropriately.

ABORTION & REPRODUCTIVE RIGHTS

House Bill 630 / Senate Bill 420: Abortions – Reporting Requirements

POSITION: OPPOSE

RESULT: DEFEATED

This legislation would have required abortion providers to report wide-ranging information on patients who receive abortion care. The WLC continues to oppose reporting requirements because it would have a chilling effect on communication between a patient and her doctor. Reporting requirements appear to have no nexus with the health or safety of patients. Rather, they are an attempt to chill access to services, to stigmatize abortion care, harass providers and patients, and advance a political agenda.

House Bill 933: Abortion – Detection of Fetal Heartbeat

POSITION: OPPOSE

RESULT: DEFEATED

House Bill 933 would have prohibited a physician from performing an abortion once a fetal heartbeat is detected. Exceptions are permitted only if an abortion is medically necessary, and in those cases, a physician must document the reasons for the abortion. Failure to abide by these requirements would be a felony. The WLC continues to vehemently oppose any limitations on a woman’s rights to abortion care and to fight restrictions that violate a woman’s due process rights.

House Bill 964: Public Health – Abortions Sought by Minors – Parent or Guardian Consent

POSITION: OPPOSE

RESULT: DEFEATED

This legislation would have imposed a dangerous waiting period before a young woman could access abortion services; it created overly burdensome and intrusive barriers to a woman’s ability to access abortion services, interferes with the doctor/patient relationship, and would make unnecessary changes to Maryland's current parental notification requirements. It was another attempt to chip away at our firmly established rights to reproductive autonomy and the WLC stood firm with our allies in opposition.

House Bill 975 / Senate Bill 907: Pain Capable Unborn Child Protection Act

POSITION: OPPOSE
RESULTS: 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 was 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 1075: Informed Consent (Women's Right to Know Act)

POSITION: OPPOSE
RESULT: DEFEATED

Despite its misleading name, House Bill 1075 would have required a litany of burdens and obligations upon women and abortion providers, under the guise of women's health and autonomy, yet without any basis in medical or scientific evidence. This included a twenty-four hour waiting period, forced ultrasounds, and burdensome reporting requirements. The bill provided exceptions only for medical emergencies, but shockingly excluded psychological and emotional harm, even at the risk of self-inflicted harm. This legislation would have unnecessarily interfered with communications that should be between a doctor and a patient, imposed undue burdens on a woman's right to access abortion, and disregarded the bodily and intellectual autonomy of women.

House Bill 1151: Health - Abortions – 24 Hour Waiting Period

POSITION: OPPOSE
RESULT: DEFEATED

House Bill 1151 would have placed burdensome and arbitrary restrictions on physicians, preventing them from performing abortions until twenty-four hours *after* a woman has sought the service unless two physicians, with privileges at a hospital within the State, certify that the abortion is medically necessary because the woman's life is in imminent danger. Shockingly, a claim or diagnosis that the woman will engage in conduct that she intends to result in her death or bodily injury to herself may not be the basis of such a certification. Mandatory waiting periods that impose delays on women who choose to have an abortion serve no useful purpose and create substantial, often harmful obstacles.

House Bill 1193: Abortion – Facility Requirements

POSITION: OPPOSE
RESULT: DEFEATED

House Bill 1193 is another thinly veiled attempt to prevent abortions from happening in our state. This bill is designed to block abortions and shut down abortion providers. By targeting only facilities where abortions are or may be performed, the Bill serves only to limit reproductive choice

for women. This legislation could not be justified as protecting patients' health and safety; rather, it intentionally set standards that are extremely difficult for providers to meet. However, as is clear in our law, abortion is legal in this State and should remain so.

House Bill 1195: Maryland Fetal Heartbeat Detection Act

POSITION: OPPOSE
RESULT: DEFEATED

House Bill 1195 would have required physicians to perform ultrasounds prior to performing an abortion, prohibiting them from performing the abortion once a fetal heartbeat is detected. Exceptions are permitted only if an abortion is medically necessary, and failure to abide by these requirements would be a felony. These types of restrictions create undue burdens on a woman's right to choose, violate a woman's due process rights, and are unconstitutional.

House Bill 127 / Senate Bill 36: Health Insurance – Health Benefit Plans – Special Enrollment Period for Pregnancy

POSITION: SUPPORT
RESULT: PASSED (House version) – Signed Into Law on April 30, 2019

This legislation sought to make pregnancy a qualifying event in terms of when a woman can specially enroll for health insurance coverage. Until now, pregnancy has 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. Yet pregnancy is one of the most important times for a woman to seek medical care. HB127 will support women in accessing the health care that is so vital for a healthy pregnancy.

House Bill 1201 / Senate Bill 972: Task Force on Educational Outcomes of Pregnant and Parenting Students in High School and GED Programs

POSITION: SUPPORT
RESULT: FAILED

This legislation would have created a two-year Task Force to study how secondary schools have implemented a prior law that gives rights to pregnant students. It would have been an important step towards gathering information on progress made to allow these young women to have adequate support systems to maximize their opportunities, as well as outcomes.

DOMESTIC VIOLENCE

House Bill 253: Protective Orders – Relief – Transfer of Wireless Telephone Service

POSITION: SUPPORT
RESULT: FAILED

House Bill 253 would have permitted a court to order cell phone providers to transfer billing responsibility and phone numbers from an abuser to a survivor of domestic violence, if the survivor has a protective order against the abuser/contract holder. The Women's Law Center (WLC)

supported House Bill 253 because not enabling a survivor to sever her dependence of her abuser for her cell phone is just one more way an abuser can exercise power and control.

House Bill 672 / Senate Bill 810: Housing – Local Housing Grant Program for Homeless Veterans and Survivors of Domestic Violence

POSITION: SUPPORT

RESULT: PASSED – Signed Into Law On April 30, 2019

This legislation will allow funding to be designated from the state budget for a housing program for homeless veterans and survivors of domestic violence. The Women’s Law Center of Maryland supported this bill as domestic violence is a leading cause of homelessness for women in Maryland. The funding in this bill will not supplant, but would supplement existing funding.

House Bill 122 / Senate Bill 209: Protective Orders – Relief Eligibility – Rape and Sexual Offenses

POSITION: SUPPORT

RESULT: FAILED

This legislation was one of our priorities this session as it would have clarified our current law to ensure that victims of rape and sexual assault are eligible for protective orders (as opposed to peace orders) and all the added protections they carry. Unfortunately, while the House voted out a clean version of the bill, the Senate version was amended to make those survivors eligible only for extended peace orders. While the two versions eventually ended up in conference committee, time ran out on sine die and the legislation was not ultimately passed.

House Bill 95: Public Safety - Firearms Disqualifications - Antique Firearm (Shadé's Law)

POSITION: SUPPORT

RESULT: UNFAVORABLE REPORT - WITHDRAWN

House Bill 95 would have added “antique firearm” to the term “firearm” for general provisions of law relating to firearms. The Women’s Law Center supported HB 95 as an addition to our firearms laws that will protect victims of domestic violence.

House Bill 121 / Senate Bill 130: Criminal Procedure - Charge by Citation - Violation of Condition of Release

POSITION: SUPPORT

RESULT: PASSED – Signed Into Law on April 18, 2019

This legislation would remove a violation of a condition of pre or post-trial release from the list of crimes for which a police officer must issue a citation, a change necessary to give effect to the 2018 law that makes it a crime to violate the no contact condition of pre or post-trial release. The Women’s Law Center supported HB 121 as it fixes a small technical oversight from an important bill passed last year.

House Bill 218 / Senate Bill 147: Public Health - Disposition of Remains - Forfeiture or Waiver of Right of Disposition

POSITION: SUPPORT WITH AMENDMENTS

RESULT: PASSED – Signed Into Law on April 30, 2019

This legislation prevents a surviving estranged spouse from having rights to dispose of the body of the deceased spouse if: a petition for divorce is pending, or the survivor is charged with first- or second-degree murder or voluntary manslaughter in connection with the death. The Women’s Law Center supported this legislation, with amendments, in recognition of situations where there has been intimate partner violence.

House Bill 363 / Senate Bill 341: Evidence – Testimony by Spouse – Violation of Protective Order

POSITION: SUPPORT

RESULT: UNFAVORABLE REPORT - WITHDRAWN

This legislation would have eliminated the ability of a witness-spouse to invoke marital privilege to refuse to testify against his or her defendant-spouse at a Violation of Protective Order prosecution. The WLC supported this because the concept of spousal privilege is archaic and based in misogyny and the State’s Attorneys have identified this as a crucial way to successfully prosecute violations of protective orders, which on balance increases safety for victims and society as a whole.

House Bill 541 / Senate Bill 115: Criminal Procedure – Permit to Wear, Carry, and Transport Handguns – Qualifications

POSITION: OPPOSE

RESULT: DEFEATED

This legislation would have changed the standard set out in our law to obtain a permit for a handgun. The WLC opposed this bill as we do not think introducing more guns into peoples’ hands increases safety to our society.

House Bill 667 / Senate Bill 138: Stalking – Violation of Conditions of Release

POSITION: SUPPORT

RESULT: PASSED (Senate version) – Signed Into Law On April 18, 2019

Last year, the Legislature passed a bill making it a crime to violate a condition of release, including “stay away,” no contact provisions, in crimes of violence, in domestically related crimes, and for sex crimes against minors, thereby allowing police to arrest a defendant who has violated a pretrial release no contact order. This legislation adds stalking to the list of violative acts. Stalking can be a precursor to serious violence and this law will hold perpetrators accountable appropriately.

**House Bill 757 / Senate Bill 561: Criminal Law – Homicide – Fetus (Laura and Reid’s Law)
Amended to: Criminal Law – Crime of Violence Against Pregnant Person – Enhanced
Penalty (Laura and Reid’s Law)**

POSITION: OPPOSE (As originally drafted – no position taken on amended version)
RESULT: PASSED (Senate version) – Signed Into Law On May 13, 2019

As originally drafted, this legislation expanded the current fetal homicide law, to impose criminal liability for the death of a fetus from the eighth week of pregnancy onward. The WLC found this language and framework problematic for multiple reasons, both legally and philosophically. However, after working with advocates and legislators, the Senate version of the bill was altered dramatically, creating an enhanced penalty for any person who commits a crime of violence against another person they know, or believe to know, is pregnant. This alternative allowed for the original intent of the legislation, i.e., creating liability for those who intentionally seek to harm a pregnant woman, without any risks to a woman’s bodily autonomy or right to access abortion services. Once the amended version of the bill was introduced, the WLC withdrew its opposition.

House Bill 850: Peace Orders and Protective Orders – Coercive Control

POSITION: SUPPORT
RESULT: FAILED

House Bill 850 would have added “coercive control” to the definition of abuse in both the Peace and Protective order statutes. Coercive control lies at the core of most intimate partner violence, even when the abusive behavior does not include physical violence. It can be more damaging than physical violence and yet our laws and courts almost always require, a physical manifestation of injury. This bill would have changed that so that when women ask “do I have to wait until he harms me physically punches/hits/kills me before obtaining a protective order?” our answer would no longer have to be “yes.”

**House Bill 181 / Senate Bill 103: Criminal Law - Electronic Harassment and Bullying
(Grace's Law 2.0)**

POSITION: SUPPORT
RESULT: PASSED (House version) – Signed Into Law April 18, 2019

This legislation updates our laws to further protect minors from cyberbullying by updating criminal acts using technology to incorporate modern technology, such as social media, email, instant messaging, and other internet-based communications, used to bully minors. It would change existing language on electronic communication to be broader and reflect current times.

Senate Bill 114: Firearms - Handgun Permit - Preliminary Approval

POSITION: OPPOSE
RESULT: DEFEATED

Senate Bill 114 would have modified the sequence of requirements that an applicant for a handgun must complete before obtaining a handgun permit, thereby providing opportunities for gun owners to have access to firearms prior to receiving vitally important training.

EMPLOYMENT & ECONOMIC SECURITY

House Bill 1262: Human Relations – Employment Discrimination and Discriminatory Housing Practices – Time to File Complaint

POSITION: SUPPORT

RESULT: FAILED

House Bill 1262, as amended, would have extended the time period in which to file an employment or housing discrimination complaint with the Maryland Commission on Civil Rights from 6 months to 300 days. The current time frame of six months does not provide enough time to fully navigate the complex legal process, effectively shutting people out of the administrative and judicial process entirely, leaving them with no recourse. By extending the time frame, more employees will be able to find representation and bring their claims.

House Bill 56 / Senate Bill 38: Healthy Working Families Act Exemption – Facility with On-Site Health Clinic

POSITION: OPPOSE

RESULT: DEFEATED (Referred to Interim Study – House Economic Matters)

In 2017 the Legislature passed The Healthy Working Families Act (“HWFA”). The HWFA finally grants workers the right to earn safe and sick leave so that they no longer must choose between their jobs and their health and safety. HB 56 sought to exempt individuals who regularly work at certain facilities that offer employees an on-site health clinic from the protections of the HWFA, stripping the ability for employees of those covered facilities from utilizing safe leave at all. The safe leave components of the HWFA allows victims to address these important issues that preserve their safety without risking job security. It ensures women do not have to weigh physical health against economic stability because paid sick and safe leave is available to them. While the legislation was successfully defeated this session, it has been referred to an interim study to determine if there are viable alternatives. The WLC continues to monitor this issue and to work to ensure that survivors of domestic violence retain their right to safe leave.

House Bill 57 / Senate Bill 556: State Government – Legislative and Executive Branches – Workplace Bullying

POSITION: SUPPORT

RESULT: UNFAVORABLE REPORT - WITHDRAWN

These bills would have prohibited workplace bullying in the Legislative and Executive branches of the State, for both events related to an employee’s status as a protected class as well as other

incidents of bullying. While there is a policy in effect for employees within the Executive Branch addressing workplace bullying (i.e., harassment based on factors other than an employee's protected status), this bill would codify that policy and extend it to employees within the Legislative branch as well.

House Bill 329 / Senate Bill 233: Motor Vehicle Insurance - Discrimination in Underwriting and Rating - Use of Occupation or Education Level

POSITION: SUPPORT
RESULT: FAILED

One way we work towards economic stability for women is by calling out current economic policies and practices that disproportionately affect women, and by supporting policies and legislation that level the playing field. This legislation would have done both by prohibiting insurance companies from continuing with their current practice of basing auto insurance rates on the likelihood of an insured *filing a claim*, and not just on driving-related factors that predict the likelihood of being in an auto accident.

House Bill 341 / Senate Bill 500: Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2019)

POSITION: SUPPORT
RESULT: FAILED

This legislation would have established the Family and Medical Leave Insurance Program. The bill's purpose was to provide income replacement during what would otherwise be unpaid leave taken under the Family and Medical Leave Act or otherwise for employees not entitled to benefits under that act. The bill would provide a continuity of income for persons needing to take time off to care for themselves, for a family member with a serious health condition, or for a newborn or newly placed adopted or foster child, or to take time needed for enumerated reasons related to a relative being deployed by the armed services. It is a critical step towards financial security for many working Maryland families.

House Bill 351 / Senate Bill 235: Motor Vehicle Insurance – Use of Credit History in Rating Policies

POSITION: SUPPORT
RESULT: FAILED

This legislation would have prohibited insurance companies from continuing with their current practice of basing auto insurance rates on the likelihood of an insured *filing a claim*, and not just on driving-related factors that predict the likelihood of being in an auto accident. It would prohibit auto insurance companies from using factors that aren't related to a driving record when determining rates. These types of non-driving related factors have a disproportionately negative effect on women, who on average pay more for auto insurance than men.

House Bill 584 / Senate Bill 263: Earned Income Tax Credit - Individuals Without Qualifying Children – Eligibility and Refundability

POSITION: SUPPORT
RESULT: FAILED

This legislation proposed adjustments to Maryland's Earned Income Tax Credit to allow more Marylanders keep what they earn and gain access to an effective anti-poverty program. The WLC supported this legislation as we believe all women can use the encouragement and reward for work that will allow them to provide for themselves and their futures, regardless of their parenting status.

House Bill 585 / Senate Bill 262: Earned Income Tax Credit - Individuals Without Qualifying Children - Calculation and Refundability

POSITION: SUPPORT
RESULT: FAILED

Similar to HB584/SB263, this legislation proposed adjustments to Maryland's Earned Income Tax Credit (EITC). The boost the EITC provides families with children—about \$3,000 on average - helps families meet their basic needs and provides lasting health, education and employment benefits to children. However, it leaves behind many low-income single-filers just getting a start in the workforce. Whether a woman is childless by choice, by age, or by circumstance, the Women's Law Center believes all hard-working women deserve the same benefits and opportunities at financial independence and security.

House Bill 634 / Senate Bill 738: Labor and Employment – Pay Scales and Wage History Information

POSITION: SUPPORT
RESULT: FAILED

This legislation seeks to build on the progress made in 2016 to eliminate the gender pay gap in Maryland by eliminating employers' rote use of salary history when establishing base pay, which perpetuates prior discrimination and penalizes women returning to the workforce. Despite positive changes in the law, women's incomes in Maryland still lag behind those of their male counterparts. The WLC continues to ardently work to close the pay gap and end this discriminatory practice.

House Bill 640 / Senate Bill 555: Peace Orders – Workplace Violence

POSITION: SUPPORT WITH AMENDMENTS
RESULT: FAILED

This legislation would have established a mechanism in which employers could seek a peace order on behalf of their employees. Workplace violence can affect all workers – regardless of their gender or socio-economic background - the Women's Law Center (WLC) believes the ability to

obtain peace orders on behalf of employees, in certain circumstances, can be an effective tool for management in preventing workplace violence.

House Bill 661: Labor and Employment – Definition of Employer

POSITION: SUPPORT

RESULT: FAILED

House Bill 661 sought to reduce the threshold number of employees an employer must have in order to be liable for violations of the Maryland Fair Employment Practices Act from 15 to 1. While this Bill failed to pass, its goal was achieved through the comprehensive Workplace Harassment Bill (HB671) that passed the Legislature.

House Bill 686 / Senate Bill 912: Maryland Healthy Working Families Act – Adverse Actions – Absence Control Policy

POSITION: OPPOSE

RESULT: DEFEATED (Referred to Interim Study in the House)

This legislation sought to undermine critical protections in the Healthy Working Families Act that are designed ensure that employees who take their earned leave do not face adverse consequences. Similar to legislation seeking exemptions for workplaces with on-site health clinics, this issue has been referred to an interim study. The WLC continues to monitor the matter and to work to ensure that survivors of domestic violence retain their right to safe leave.

House Bill 790: Equal Pay For Equal Work – Enforcement – Civil Penalties (Equal Pay Remedies and Enforcement Act)

POSITION: SUPPORT

RESULT: PASSED – Enacted into Law on May 25, 2019 Without the Governor’s Signature

Under current law, an employer who interferes with an investigation of the Maryland Commission on Civil Rights (MCCR) or with the MCCR’s ability to enforce the law, is guilty of a misdemeanor and subject to a \$300 fine. However, there is no penalty available for willfully violating the Equal Pay statute itself. This legislation remedies that by requiring an employer who is found in violation of the Act to pay a civil penalty equal to 10% of the amount of damages owed by the employer. This is another weapon in the arsenal aimed at ending the gender pay gap in Maryland.

House Bill 1107 / Senate Bill 518: Discrimination in Employment – Pregnancy and Childbirth

POSITION: SUPPORT

RESULT: 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). Current law only protects those pregnant workers once a complication has already arisen, but does nothing for workers who need to take steps to prevent a complication from occurring in the first place.

House Bill 1236: State Contracts – Certification of Pay Equity Compliance - Requirement

POSITION: SUPPORT

RESULT: UNFAVORABLE REPORT - WITHDRAWN

House Bill 1236 sought to expand the scope of our Equal Pay statute by creating a certification process for all state contractors, demonstrating that they have, or are making a good faith effort to achieve, pay equity amongst their employees.

House Bill 1411: CASH Campaign of Maryland Grant

POSITION: SUPPORT

RESULT: PASSED - Enacted into Law May 25, 2019 Without the Governor's Signature

HB 1411 requires the Governor to include \$250,000 in the annual State budget for the Creating Assets, Savings, and Hope (CASH) Campaign of Maryland to promote the financial capability of low-income individuals and families by providing outreach, education, and free tax preparation services. In particular, the CASH Campaign is a Baltimore-based nonprofit that provides free tax preparation for qualifying individuals statewide, helping them access the Earned Income Tax Credit (EITC) and work towards financial stability.

House Bill 1300 / Senate Bill 681: Labor and Employment – Maryland Healthy Working Families Act – Seasonal Temporary Workers

POSITION: OPPOSE

RESULT: DEFEATED

This legislation would have created an exemption to the Maryland Healthy Working Families Act for seasonal, temporary workers. Of particular importance to the Women's Law Center are the provisions of the MHWFA regarding "Safe Leave". These provisions allow an employee to use earned leave days to deal with medical, psychological or legal issues arising from domestic violence. As one in four women is a victim of domestic violence or sexual assault, it is imperative that survivors be able to get treatment for an injury or initiate legal proceedings without fearing they will lose their jobs if they take time off. This applies to all workers – regardless of their status as seasonal workers, many of whom are the most vulnerable, and economically insecure, within our workforce.

Senate Bill 686: Maryland Healthy Working Families Act – Applicability

POSITION: OPPOSE

RESULT: DEFEATED

After overcoming several hurdles, including the Governor's veto, the Maryland Healthy Working Families Act went into law and into effect in February 2018. With barely a year having passed, a

slate of bills were proposed to undermine, delay, and erode the benefits of that hard-won piece of legislation, including this one which would have excluded County Board of Education employees. The WLC supported the Working Matters coalitions in fighting any attempts to roll back the benefits of the MHWFA.

FAMILY LAW

House Bill 83: Action for Change of Name of a Minor – Prohibition of Publication Requirement

POSITION: SUPPORT
RESULT: FAILED

House Bill 83 would have allowed a name change of a minor if both parents consented, without the current requirement of publication in a local newspaper. While historically publication was required in an attempt to prevent against fraud, the reality is that name changes of a minor when both parents agree typically occur due to simple mistakes or misspellings. The Women’s Law Center supported this bill as it would have simplified the name-change process and increased access to justice.

House Bill 281: Crimes – Adultery- Repeal

POSITION: SUPPORT
RESULT: FAILED

House Bill 281 would have simply repealed the misdemeanor crime of adultery. The Women’s Law Center supported HB 281, because there is no need for it in today’s world, and it complicates family law cases unnecessarily. In a family law case, adultery can appropriately be addressed and considered without adultery being a crime.

House Bill 402: Family Law – Grounds for Divorce

POSITION: SUPPORT
RESULT: FAILED

House Bill 402 would have changed the definition of “separation” as a ground for divorce in our state. Where currently parties must live separate and apart without cohabitation, this would have changed the law to only require parties to not engage in sexual relations for 12 months prior to filing for divorce. The Women’s Law Center supported House Bill 402 because it furthered efforts to simplify divorce in our state, and accurately reflects many peoples’ reality, where parties cannot afford to live separately.

House Bill 1147: Family Law – Minors – Emancipation (Emancipation of Minors Act)

POSITION: SUPPORT WITH AMENDMENTS
RESULT: FAILED

House Bill 1147 would have codified emancipation laws to address circumstances when 16 and 17 year olds may seek to separate themselves legally from their parents or guardians. The WLC supports codifying emancipation, as Maryland is currently within the minority of states that have not yet codified an emancipation process, but supported this bill with amendments as it limited marriage for emancipated minors to those over the age of 17, despite emancipation applying to youth ages 16 and older.

House Bill 279 / Senate Bill 639: Child Support – Multifamily Adjustment and Deviation from Guidelines

POSITION: SUPPORT
RESULT: FAILED

This legislation would have altered how child support is calculated when a person has children in multiple families. The WLC supported it as it more accurately reflects the ability to pay child support by parents who have children in different family settings, e.g. with different people, than originally contemplated by the Guidelines.

House Bill 373: Family Law – Paternity and Birth Certificates

POSITION: SUPPORT
RESULT: FAILED

House Bill 373 would have established a “best interest of the child” standard in dealing with paternity matters in Maryland. The WLC supported this as it clarified the law, making it easier for self-represented litigants to understand their rights.

House Bill 519 / Senate Bill 697: Family Law - Parentage and Adoption

POSITION: SUPPORT
RESULT: PASSED – Signed Into Law On May 13, 2019

This legislation would eliminate complex procedures and technicalities, simplifying the process of recognizing families in Maryland. The WLC supported This legislation because fixing adoption and parentage provisions will assist and support thousands of children and families and recognizes that traditional gender and marital norms are not the only way in which families are formed. This update to the law will ensure full recognition for all Maryland families.

House Bill 665 / Senate Bill 811: Criminal Procedure – Family Law Services for Sustained Safety Fund

POSITION: SUPPORT
RESULT: FAILED

This legislation would have required the Governor’s Office of Crime Control and Prevention to establish the Family Law Services for Sustained Safety Fund as a special, non-lapsing fund of \$4 million of its Victim of Crime Act federal money dollars to assist victims of crime with ancillary

family law services. The WLC supported the increase of funding and services for an underserved population.

House Bill 726 / Senate Bill 762: Child Support - Potential Income, Voluntary Impoverishment, and No Support Order

POSITION: SUPPORT

RESULT: FAILED

This legislation would have defined common terms in child support law – “potential income” and “voluntary impoverishment,” - and would have specified when a court may decline to establish a child support order. It would have offered predictability to litigants and would realistically spared all parties from a child support order that should never have been ordered in the first place. The WLC participated in the advisory committee to review Child Support Guidelines and this bill was a direct recommendation from that Committee.

House Bill 731 / Senate Bill 638: Child Support – Shared Physical Custody

POSITION: SUPPORT

RESULT: FAILED

This legislation would have altered how child support is calculated when the parties have “shared physical custody.” With a goal of reducing what is known as the “cliff effect” that currently exists in our calculation in shared custody cases, and more accurately reflecting real costs of having a child, this bill also arose as a recommendation from Child Support Guidelines Committee.

House Bill 732 / Senate Bill 763: Child Support Guidelines - Revision

POSITION: SUPPORT

RESULT: FAILED

Another recommendation from the Child Support Guidelines Committee, this legislation would have updated Maryland’s Child Support Guidelines to accurately reflect costs in 2019, as well as to make other changes to help the public understand the Guidelines.

House Bill 742: Child Support - Extraordinary Medical Expenses

POSITION: SUPPORT

RESULT: PASSED – Signed Into Law On May 13, 2019

House Bill 742 changes the definition of “extraordinary medical expenses” in our child support laws, clarifying what is an extraordinary medical expense and how to more equitably distribute costs for uncovered medical expenses. This was the last of a package of bills recommended by the committee tasked with reviewing Maryland Child Support Guidelines, and the only one to pass.

House Bill 855 / Senate Bill 231: Family Law – Marriage – Age Requirements

POSITION: OPPOSE
RESULT: DEFEATED

This legislation sought to create a blanket ban on marriage for any party that is under the age of 18. The WLC respectfully continues 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.

House Bill 1005 / Senate Bill 905: Action for Change of Name – Procedures and Requirements

POSITION: SUPPORT
RESULT: FAILED

This legislation would have updated our current law on how a person legally changes their name, creating a name change procedure more administrative in nature than judicial, and more accessible for Marylanders seeking a name change. Most importantly, it would remove the anachronistic publication requirement for name change.

House Bill 1030: Civil Law – Fundamental Rights – Jury Trials

POSITION: OPPOSE
RESULT: DEFEATED

This legislation would have made sweeping and drastic changes to Maryland law by creating a right to a jury trial in cases for civil protection orders, extreme risk protection orders and child custody. Such massive changes would have made it more difficult to maintain the safety and support for victims of domestic violence, upending our civil justice process, without any constitutional necessity.

Senate Bill 567: Workgroup to Study Child Custody Decisions Involving Child Abuse or Domestic Violence Allegations

POSITION: SUPPORT WITH AMENDMENT
RESULT: PASSED – Signed Into Law On April 18, 2019

Senate Bill 567 establishes a workgroup to study child custody decisions when there are allegations of child abuse or domestic violence. There has not been a comprehensive review of decision making by the courts in these types of cases for over a decade, since the Women’s Law Center performed a more general research project about custody decision-making in the early 2000s. The WLC has since been appointed a member of the workgroup and looks forward to working with the other members.

Senate Bill 620: Family Law – Child Support – Custody and Visitation

POSITION: SUPPORT
RESULT: FAILED

Senate Bill 620 would have required courts and the Office of Child Support Enforcement to make referrals to resources to assist with custody and/or visitation, when making child support determinations where there was no existing custody or visitation order. While this is already practice in many jurisdictions, making it a uniform policy would have been helpful to families.

HUMAN RIGHTS

House Bill 775: Correctional Services – Maryland Correctional Institution for Women - Reform

POSITION: SUPPORT
RESULT: FAILED

House Bill 775 would have imposed sweeping and necessary reform upon the Maryland Correctional Institution for Women. The female prison population stands nearly eight times higher than in 1980. Women in state prisons are more likely than men to be incarcerated for a drug or property offense, yet less is being done to address their unique needs. The Women's Law Center of Maryland supports the rights and dignity of all women, including those who are currently incarcerated and supports reform measures to address the unique needs and challenges incarcerated women face in Maryland.

House Bill 710 / Senate Bill 821: Correctional Services – Prerelease Unit

POSITION: SUPPORT WITH AMENDMENTS
RESULT: PASSED (Senate Version) – Signed Into Law on April 18, 2019

This legislation, as originally drafted, would have established stand-alone prerelease services for incarcerated women in Maryland. As amended, SB821 creates a requirement for a gender-based equity study on prerelease programming and facilities in Maryland. The Women's Law Center supported SB 821 as good public policy in preparing women to reenter society after a period of incarceration.

House Bill 715 / Senate Bill 419: Correctional Services – Prerelease Unit for Women – Requirement to Operate

POSITION: SUPPORT
RESULT: FAILED

This legislation would have required the Department of Corrections (DOC) to operate prerelease units for women. Currently, the DOC operates nine pre-release units for men; yet none are in operation for incarcerated women – despite the existence of authority to do so. This would have been a vital change to provide equal opportunities to women that men already get when they are approaching their reentry to the community from a period of incarceration.

**House Bill 782 / Senate Bill 691: Criminal Procedure - Motion to Vacate Judgment -
Human Trafficking (True Freedom Act of 2019)**

POSITION: SUPPORT
RESULT: FAILED

In 2011, Maryland became the second state in the country to enact a “vacating convictions” law, which allows survivors of sex trafficking to vacate (set aside) their prostitution convictions. However, our current law only allows for the vacatur of a prostitution conviction, not any other crime a survivor was forced to commit; nor does it cover survivors of labor trafficking. This legislation would have made these positive changes to our current laws.

House Bill 1152: Interstate Human Trafficking of Minors Prohibition Act

POSITION: OPPOSE
RESULT: DEFEATED

While the WLC wholeheartedly supports efforts to curtail human trafficking, House Bill 1152 breadth and focus does not appear aimed at human trafficking, but rather it was a thinly veiled attempt to prevent abortions. By requiring officers of the state to report pregnant minors, the only result achieved will be that pregnant minors will intentionally be prevented from receiving the services they need most. It will have a chilling effect on young women receiving prenatal care and other important healthcare. A victim of trafficking who finds themselves pregnant should have access to any and all health care, including reproductive health care, that they need.

**House Bill 1244 / Senate Bill 330: Public Buildings and Places of Public Accommodation -
Diaper-Changing Facilities**

POSITION: SUPPORT
RESULT: PASSED (Senate version) – Signed Into Law On May 13, 2019

This legislation will require all public buildings be equipped with diaper changing stations in at least one public restroom, and if the restrooms are gender specific, then in at least one men’s restroom and one women’s restroom. The WLC happily supported this common-sense legislation as a step towards equality in parenting resources.

Senate Bill 473: Hate Crimes – Civil Remedies

POSITION: SUPPORT
RESULT: FAILED

Senate Bill 473 would provide a civil remedy for individuals who have been the victim of a hate crime, giving victims of these reprehensible crimes the ability to recover for damages for economic and noneconomic harms caused by the acts. Victims of hate crimes should have an avenue to access our justice system and the opportunity to be made whole after experiencing the economic and noneconomic damages of these threatening actions.

Senate Bill 534: Public Buildings and Places of Public Accommodation - Diaper-Changing Facilities

POSITION: SUPPORT

RESULT: UNFAVORABLE REPORT – WITHDRAWN

Senate Bill 534 sought to require that all public buildings be equipped with diaper changing stations in at least one public restroom, and if the restrooms are gender specific, then in at least one men’s restroom and one women’s restroom. While this attempt failed, a virtually identical version was passed this session (SB 330).

House Bill 818 / Senate Bill 629: Access to Maryland Courts Act

POSITION: SUPPORT

RESULT: FAILED

This legislation would have allowed Maryland courts to award reasonable attorney fees and expenses in a claim for relief against the State, or any of its political subdivisions if the claim seeks to remedy a violation of a right under the Maryland Constitution or Declaration of Rights. It would have made it easier for citizens to obtain an attorney to pursue these important claims.

SEXUAL ASSAULT

House Bill 364 / Senate Bill 909: Health Care Practitioners - Medical Examinations on Anesthetized or Unconscious Patients

POSITION: SUPPORT

RESULTS: PASSED – Signed Into Law On May 13, 2019

This legislation prohibits any health care practitioner, including medical and nursing students, from conducting pelvic, rectal, or prostate exams on any patient who is unconscious or under anesthesia without first receiving the patient’s full informed consent. While there are exceptions for emergencies or if the procedure is medically necessary for treatment or diagnostic purposes, the purpose of the bill is to ensure patients have an opportunity to consent or deny treatment by practitioners and students. Bodily autonomy is a basic human right that assures women and men have the right to self-governance over their own bodies without external interference, including during medical procedures. The fact that future medical providers, or even society as a whole, benefit from the practice does not mean the ends justify the means. Anything short of full and informed consent is a violation of the patient’s autonomy and trust.

House Bill 633 / Senate Bill 396: Higher Education – Legal Representation Fund for Title IX Proceedings - Established

POSITION: SUPPORT

RESULT: PASSED – Enacted into Law on May 25, 2019 Without the Governor’s Signature

This legislation establishes a funding mechanism for attorneys appointed through the Maryland Commission on Higher Education during college sexual assault proceedings brought pursuant to Title IX. As a leading advocate for the physical safety, economic security, and bodily autonomy for women – as well as a legal services provider for victims of intimate partner violence – the Women’s Law Center wholeheartedly supported this legislation.

House Bill 687: Civil Actions - Child Sexual Abuse - Statute of Limitations

POSITION: SUPPORT

RESULT: FAILED

House Bill 687 was a survivor-oriented approach to child sexual abuse that would have eliminated the statute of limitations for child sex abuse actions, allowing a civil action for damages caused by child sexual abuse to be filed at any time.

House Bill 958: Criminal Law – Sexual Crimes – Repeal of Spousal Defense

POSITION: SUPPORT

RESULT: FAILED

It is a sad truth that laws still exist, even in Maryland, that prevent the prosecution of a spouse committing a variety of sexual offense against their partner. House Bill 958 would have repealed some of those prohibitions. The idea that rape or sexual assault, unwanted touching, forcible sex or anything else of that nature is okay because the parties are married is arcane and insulting, a relic of another era that has no place in Maryland law.

House Bill 1268 / Senate Bill 569: Public Safety – Rape Kit Testing Grant Fund – Establishing

POSITION: SUPPORT

RESULT: PASSED (Senate version) – Signed Into Law On May 13, 2019

This legislation establishes a grant program, the Rape Kit Testing Grant Fund, which will provide funding for local law enforcement agencies to pay for testing of sexual assault evidence collection kits, also known as rape kits, by forensic laboratories. Kit analysis can help link crimes together, identify serial rapists, confirm a victim’s report, and exonerate an innocent suspect. However, due to funding concerns, and other variables, many kits remain untested. This funding source could address those concerns and lead to additional rape kits being tested.