



# Women's Law Center *of Maryland*

## 2021 Legislative Wrap Up

### PRIORITY BILLS THAT PASSED

#### **House Bill 193/ Senate Bill 484: Criminal Procedure - Victims of Crime - Private Room**

POSITION: SUPPORT  
OUTCOME: RETURNED PASSED  
SPONSORS: Delegate Guyton/Senator Hettleman

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House Bill 193/Senate Bill 484 will require the State Board of Victim Services to develop a poster to notify victims of crime of their right to request a private room when reporting a crime to a law enforcement agency. It is important to offer victims a safe place to make reports that are of a sensitive nature, and this bill ensures victims do not need to share their trauma in public spaces.

#### **House Bill 290/Senate Bill 455: Employment Discrimination – Time for Filing Complaints**

POSITION: SUPPORT  
OUTCOME: RETURNED PASSED  
SPONSORS: Delegate Hill/Senator Sydnor

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Following up on expansive anti-harassment legislation from the 2019 legislative session, this new law will extend the time period in which to file a complaint for additional, non-harassment unlawful employment practices with the Maryland Commission on Civil Rights from 6 months to 300 days. Extending the timeline in which to file a complaint does multiple things: it conforms our timeline with federal government's filing requirements, eliminating confusion and streamlining the complaint process; it is helpful as timeliness is one of the most frequent issues we see with callers on our Employment Law Hotline; and it allows additional time for employers and employees to reach a resolution outside of the courtroom.

#### **House Bill 411/Senate Bill 43: Criminal Law – Law Enforcement Officers – Prohibition on Sexual Activity**

POSITION: SUPPORT  
OUTCOME: PASSED ENROLLED (Senate Version)  
SPONSORS: Delegate Williams/Senator Elfreh

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This legislation seeks to prohibit law enforcement officers from engaging in sexual conduct with a victim, witness, or suspect in an open investigation in which the officer is involved. Officers are further prohibited from sexual conduct with individuals requesting the assistance of law enforcement whilst responding in the course of their official duties. Relationship dynamics where consent cannot be given include any relationship where a person might feel compelled to say yes because of the power that the authority figure holds over them or the trusted position that the person in authority holds. Given the positional authority of law enforcement officers over victims, witnesses, and suspects, there is no time in the course of an investigation where an individual could realistically provide consent freely and without intimidation. As the Women's Law Center of Maryland firmly believes in all sexual activity being mutual, respectful, and consensual, we supported these bills and are happy to see them enacted into law.

**House Bill 514/Senate Bill 413: Maryland Legal Services Corporation Funding –  
Abandoned Property**

POSITION: SUPPORT  
OUTCOME: RETURNED PASSED  
SPONSORS: Delegate Barnes/Senator Guzzone

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This legislation increases the amount of funds that the State Comptroller is required to distribute to the Maryland Legal Services Corporation (MLSC) from the Abandoned Property Fund. Created by the Maryland General Assembly in 1982, MLSC is the primary source of essential funding to organizations that provide civil legal services to low-income Marylanders. In 1984, the General Assembly identified the Abandoned Property Fund as a funding source for MLSC, allocating 17% of the fund's annual revenue to MLSC. That percentage has decreased over the years, and the modest increase, from \$2,000,000 to \$8,000,000, would still only direct less than 7% of the fund's current revenue. This distribution is the only guaranteed income source for MLSC, and the increase would allow MLSC to continue its important work at a time when other revenue sources have decreased dramatically while the demand for civil legal aid has skyrocketed.

The WLC receives a significant portion of its funding from MLSC. Without this funding, we would be unable to answer the calls of nearly 5,000 Marylanders per year on our Family Law and Employment Law Hotlines. Without the funding our Legal Director and other staff would be unable to support the direct representation of survivors of domestic violence as they seek protective orders and divorces against their abusers, or seek to obtain custody of their children or legal status in this country. This is the work we do, free of charge, every day for survivors of domestic violence and it would not be possible without the financial support of MLSC.

**PRIORITY BILLS THAT FAILED**

**House Bill 147/Senate Bill 250: Criminal Law – Sexual Crimes – Repeal of Spousal Defense**

POSITION: SUPPORT  
OUTCOME: FAILED  
SPONSORS: Delegate Crutchfield/Senator Lee

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Had it finally passed, this legislation would have repealed prohibitions on prosecuting someone for rape of their spouse. The WLC has long supported this because the idea that any form of 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. While both the House and Senate passed versions of the bill this session, unfortunately the two versions did not conform and the bill failed in conference committee on sine die.

**House Bill 375/Senate Bill 211: Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act)**

POSITION: SUPPORT

OUTCOME: FAILED

SPONSORS: Delegate Valderrama/Senator Hayes

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This long overdue legislation would establish the Family and Medical Leave Insurance (FAMLI) Program. The bill’s purpose is to provide income replacement during what would otherwise be unpaid leave taken under the Family and Medical Leave Act or for employees not entitled to benefits under that act. Structured similarly to the unemployment benefits system, 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. This bill would create a structure for income replacement benefits similar to the well-established unemployment benefit system. While only 18% of workers in general are covered by paid leave, that number is reduced to 6% for low wage workers – the workers who can least afford to go without a paycheck. This has been especially true as women are overrepresented in front-line care and industries hardest hit by the pandemic. This past year saw what economists have dubbed the “shecession” – where the downturn in the economy was disproportionately affecting women. In fact, all of the net jobs lost in this country in the month of December were jobs occupied by women. The pandemic has wreaked havoc on working women and this legislation is a key piece to regain the momentum women had earned in the workforce. It is absolutely critical for our society, as at some point or another, everybody needs time to care.

**House Bill 505: Family Law – Legal Decision Making and Parenting Time**

POSITION: SUPPORT

OUTCOME: FAILED

SPONSOR: Delegate Dumais

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House Bill 505 would have provided a much needed overhaul and update to our custody laws in Maryland. The Women’s Law Center supports House Bill 505 because it codifies existing Maryland case law regarding custody determinations using the best interests of the child standard. It would also make language changes to better identify and support the relationships between parents and children. HB 505 is the revised product of a more than one year Child Custody Decision-Making Commission that by a majority agreed the “best interests of the child” standard remains the best way for courts to make custody decisions. The language of this bill is modified from prior years’ efforts, to reflect language used in the now mandatory parenting plans. The

Women’s Law Center recognizes and deeply respects the benefits of having both parents actively involved in a child’s life. However, it is appropriate only when the parents are able to work together in the best interests of the child, but can be damaging and dangerous in inappropriate situations, such as where there is domestic violence.

**Senate Bill 834: Harassment and Sexual Harassment – Definitions –  
Employment Discrimination and Sexual Harassment Prevention Training**

POSITION: SUPPORT  
OUTCOME: FAILED  
SPONSOR: Senator Smith

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In the wake of the #MeToo movement, the Maryland General Assembly has made positive advances to address the serious issues of workplace harassment and to bolster the reforms undertaken by the General Assembly in prior sessions. While the Maryland Commission on Workplace Harassment has ended, it’s work is not yet finished, and Senate Bill 834 sought to build on its progress, by providing vulnerable workers with extra security, by updating our laws to meet our current societal mores, and by eliminating the untenable “severe and pervasive” standard that is so often an insurmountable barrier to advancing a claim of harassment. Our Employment Law Hotline frequently hears from employees who fear that the harassment they are subjected to, and must endure in order to continue earning a living, would not be considered severe enough should they bring a claim to address it. They are almost universally fearful of retaliation, or skeptical that the system will ever support them. SB834 would be a positive step in addressing those issues while updating our laws and giving clear guidance to the courts as to the standards to be utilized. The WLC worked hard with the sponsor and advocates on this legislation and it was disappointing that the bill unfortunately ran out of time on sine die.

**ECONOMIC SECURITY AND EMPLOYMENT LAW**

**House Bill 289/Senate Bill 105: Peace Orders – Workplace Violence**

POSITION: SUPPORT  
OUTCOME: PASSED ENROLLED  
SPONSORS: Delegate Atterbeary/Senator Sydnor

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This new law establishes a mechanism in which employers may seek the civil protections of peace orders on behalf of their workplace and employees. As legal service providers experienced in peace and protective orders, and as operators of the statewide Employment Law Hotline, with an understanding that workplace violence can affect all workers – regardless of their gender or socio-economic background - the 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. Certain occupations, such as health care providers and social service workers, are at heightened risk of workplace violence, but may also be reluctant to take action against clients they are trying to serve. As it is imperative that victims of domestic violence retain autonomy in determining whether and when to obtain a protective order against their abuser, this bill does not

concern those situations. Rather, it creates an effective tool for employers dealing with the collateral effects of domestic violence and other forms of violence on the rest of the workforce.

**House Bill 581/Senate Bill 486: Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)**

POSITION: SUPPORT

OUTCOME: RETURNED PASSED (Emergency Bill – Effective Upon Enactment)

SPONSORS: Delegate D.E. Davis/Senator Augustine

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This law seeks to address the ever increasing risks and inequities suffered by front line, essential workers, during the course of the current pandemic or in the event of a future state of emergency. The bill requires employers to provide workers with safe and hygienic workspaces, personal protective equipment, and paid health leave; requires employers create emergency preparedness plans; and gives employees the ability to refuse dangerous work under certain circumstances. One in three jobs held by women are deemed as essential, putting them at the center of the frontlines during the current pandemic. In fact, 52% of essential workers are women, despite women only making up 47% of the total workforce. This law is necessary to protect the essential workers who are unable to telework or pause their workload during health emergencies and natural disasters.

**House Bill 350/Senate Bill 594: Labor and Employment - Maryland Healthy Working Families Act – Verification**

POSITION: OPPOSE

OUTCOME: DEFEATED

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The Maryland Healthy Working Families Act (MHWFA) was a hard won piece of legislation that provides employees the ability to earn safe and sick leave. This bill sought to change the status quo so that employers are able to unilaterally deny a request for sick or safe leave between the 107<sup>th</sup> and 120<sup>th</sup> day of employment if the employee fails to provide written verification to the employer, even if it is the employee's first time utilizing leave. The WLC opposed any bill seeking to chip away at the core provisions of the MHWFA, which were the result of years of negotiations and compromise. Specifically, the WLC opposed this bill because domestic violence does not provide advance warning of when it will strike, nor does it always provide opportunities for written verification.

**House Bill 1326/Senate Bill 727: Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave**

POSITION: SUPPORT

OUTCOME: FAILED

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This legislation would have closed gaps in the Maryland Healthy Working Families Act and picked up where recent federal legislation has expired, leaving thousands of workers vulnerable. It proposed a modest expansion of the Act, by removing exemptions for employees within the agricultural sector, temporary staffing services, and on-call health care. Further, it provided

protections and provisions related to public health emergencies so that employees facing a pandemic do not have to choose between their health, their safety, and a paycheck.

**House Bill 909/Senate Bill 165: Maryland Healthy Working Families Act – Applicability**

POSITION: OPPOSE

OUTCOME: DEFEATED

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In 2017 the Legislature passed The Maryland Healthy Working Families Act (“MHWFA”). The MHWFA 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. After overcoming several hurdles, including the Governor’s veto, the bill went into law and into effect in February 2018. The WLC opposed all of the bills seeking to chip away at those provisions, including attempts to exclude application of the law to County Board of Education employees such as this one. Now, with the COVID-19 pandemic continuing to ravage our communities, is especially not the time to undermine, delay, and erode the benefits of that hard-won piece of legislation.

**Senate Bill 653: Labor and Employment – Maryland Healthy Working Families Act – Application**

POSITION: SUPPORT

OUTCOME: FAILED

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The Maryland Healthy Working Families Act (“the Act”) 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. Now, amidst a global pandemic, the need for safe and sick leave is more important than ever, and countless employees, businesses, and families have benefited from employees being able to take time off when sick, rather than spread illness throughout the workplace. Senate Bill 653 proposed a modest expansion of the Act, by removing an exemption for employees within the construction industry.

**FAMILY LAW**

**House Bill 243: Family Law – Grounds for Divorce**

POSITION: SUPPORT

OUTCOME: FAILED

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House Bill 243 would have changed the definition of separation as a ground for limited or absolute divorce in our state to allow couples who still live under the same roof – typically due to economic challenges – to seek divorce on a no-fault separation ground. This change would reflect many peoples’ reality and would allow for faster resolution of divorce cases, which would benefit Marylanders.

### **House Bill 268: Criminal Trials - Spousal Privilege - Exception**

POSITION: SUPPORT

OUTCOME: FAILED

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House Bill 268 would have narrowed, in a small way, the circumstances in which spousal privilege can be invoked in a criminal trial. The WLC supported House Bill 268 because perpetrators of crimes should not be able to shield themselves by marrying a relevant witness to the prosecution to avoid having them testify. We are particularly concerned about someone being coerced into marriage just so a criminal defendant can invoke spousal privilege.

### **House Bill 748/Senate Bill 57: Family Law- Child Custody and Visitation**

POSITION: SUPPORT WITH AMENDMENTS

OUTCOME: FAILED

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These bills would have amended Family Law Section 9-101 to require the court to articulate its findings under this statute, and, in its original form, also codified factors a court must consider in hearings involving custody. Amendments were drafted removing the custody factors, which improved the bill substantially and the WLC supported the bill as amended.

### **House Bill 1036/Senate Bill 675: Child Custody - Cases Involving Child Abuse or Domestic Violence – Training**

POSITION: OPPOSE

OUTCOME: DEFEATED

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House Bill 1036 arose out of recommendations made by the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations, constituted by statute in 2019, of which the WLC was an appointed member. The conclusion of the Workgroup was that stakeholders in child custody proceedings, including judges and magistrates, need more education on newer research, and that courts are not carefully and fully considering evidence of harm to victims when making custody decisions in the best interests of the child. The WLC supports the concept of judges and other stakeholders in court proceedings involving custody being trained on the current science about childhood trauma, ACEs, the effect of violence in the household of children, domestic violence and other things relevant to determinations on what is in the best interests of a child. However, we found this legislation unable to properly effectuate this, and while well-intentioned, it would have created severe unintended consequences. The WLC looks forward to continuing to work with the sponsors, whom we support and frequently partner with, to making appropriate changes in the future.

### **Senate Bill 355: Family Law – Custody Evaluators – Qualifications and Training**

POSITION: SUPPORT

OUTCOME: FAILED

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Senate Bill 355 would have moved qualifications for custody evaluators in family law cases, from the Maryland Rules to the Maryland Annotated Code. While the WLC appreciated the importance of maintaining rigorous qualifications for these evaluators in custody cases in the state, we recommended that work be done with the Judiciary to address the current Maryland Rule on custody evaluators.

## **DOMESTIC VIOLENCE AND SEXUAL ASSAULT**

**House Bill 149: Criminal Law - Distribution of Child Pornography – Minor**

**House Bill 180: Juveniles - Sexting**

**House Bill 382: Juvenile Law – Conduct by Children Involving Sexually Explicit or Nude Images**

POSITION: SUPPORT WITH AMENDMENTS

OUTCOME: HB 149 and HB382 FAILED; HB180 RETURNED PASSED

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House Bill 149, House Bill 180, and House Bill 382 all sought to address a complex situation where minors send explicit text messages to each other (sexting). The WLC supported the public policy solution to balance the needs and realities for minors by ensuring that 1) teenagers/minors who engage in consensual sexting should not be criminally prosecuted; and 2) minors should be protected from non-consensual creation or distribution of nude images of themselves. The final bill that passed makes sexting a mitigating factor for the juvenile court to consider so long as the age difference between the two parties was not more than four years and the conduct was all consensual (if those two factors are not met, then there is no mitigation and the act is considered a crime). It also made clear that a child who is found to have committed these acts is not subject to sex offender registration. This is a common-sense approach to a real-world problem.

**House Bill 744: Courts – Counsel Appearance Fees – Domestic Violence**

POSITION: SUPPORT

OUTCOME: RETURNED PASSED

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House Bill 744 makes it clear that courts cannot charge attorney appearance fees for domestic violence cases. The WLC supported this clarification of the law, as it has not been uniformly applied throughout the jurisdictions in which the WLC practices.

**House Bill 548/Senate Bill 299: Human Services - Trauma-Informed Care –  
Commission and Training (Healing Maryland's Trauma Act)**

POSITION: SUPPORT

OUTCOME: RETURNED PASSED

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This legislation establishes a Commission on Trauma-Informed Care to coordinate a statewide initiative to prioritize the trauma-responsive and trauma-informed delivery of State services that impact children, youth, families, and older adults. The WLC supported this effort as so much has been learned about the effects of trauma and our State agencies should be educated and informed, and they should develop policies using trauma-informed care.

**House Bill 195: Criminal Procedure - District Court Commissioners –  
Issuance of Arrest Warrant**

POSITION: OPPOSE  
OUTCOME: DEFEATED

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House Bill 195 would have eliminated the ability of private citizens to file a statement of criminal charges with a commissioner, as well as prohibiting a commissioner’s ability to ever issue a criminal warrant. The Women’s Law Center opposed this bill as it would take survivors of intimate partner violence back decades to a time when they had very little ability to have charges filed against their abusers.

**House Bill 227/Senate Bill 363: Courts – Improperly Summoning a Police Officer –  
Civil Liability**

POSITION: SUPPORT WITH AMENDMENTS  
OUTCOME: FAILED

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House Bill 227 would have created a civil cause of action against a person who knowingly causes a member of law enforcement to arrive at a location in order to place the person in that location in an unfair light. The WLC supported this bill with amendments to make clear that cases where domestic violence or other interpersonal crimes may be being committed are excluded or considered in a more specific way, as we are wary of unintended consequences for the people we represent and others trying in good faith to assist them.

**House Bill 263/Senate Bill 134: Civil Actions - Child Sexual Abuse - Statute of Limitations**

POSITION: SUPPORT  
OUTCOME: FAILED

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If enacted, this legislation would eliminate the statute of limitations for child sex abuse actions. The WLC supported HB 263/SB 134 because it is a survivor-oriented approach to child sexual abuse and would help provide victims of child sexual abuse with meaningful access to Maryland’s civil justice system.

**House Bill 845: Criminal Procedure – Permit to Wear, Carry, and Transport Handguns –  
Qualifications**

POSITION: OPPOSE  
OUTCOME: DEFEATED

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This bill would have changed the standards set out in our laws to obtain a permit for a handgun, adding “personal protection” as a good and substantial reason for a gun permit. The WLC opposed this bill as we do not think that introducing more guns into peoples’ hands increases safety to our constituency.

### **Senate Bill 309: Firearms - Handgun Permit - Preliminary Approval**

POSITION: OPPOSE  
OUTCOME: DEFEATED

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Had it passed, Senate Bill 309 would have modified the sequence of requirements that an applicant for a handgun must complete before obtaining a handgun permit. As a matter of public policy, the WLC believe we should not provide opportunities for gun owners to have access to firearms prior to receiving vitally important training.

### **Senate Bill 690: Public Information Act - Inspection of Records From Body - Worn Digital Recording Devices**

POSITION: SUPPORT  
OUTCOME: FAILED

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Senate Bill 690 would deny the inspection or copying of the part of a recording from body-worn digital recording devices worn by law enforcement officer regarding survivors of intimate partner violence, sexual assault, and other forms of abuse. The WLC supported SB 690 as we have seen how damaging, scary, and dangerous allowing unfettered access to body-worn camera footage can be when provided to abusers. While we completely support transparency in law enforcement, and recognize the value in allowing access to this footage in most cases, reasonable precautions are required to prevent abuse of the system against victims.

## **REPRODUCTIVE RIGHTS**

### **House Bill 205/Senate Bill 427: Public Schools - Provision of Menstrual Hygiene Products**

POSITION: SUPPORT  
OUTCOME: PASSED ENROLLED  
SPONSORS: Delegate Reznik/Senators Elfreth and West

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This legislation will require all public schools in Maryland to install free menstrual hygiene dispensers in at least some women's bathrooms by 2022, and in all bathrooms by August 1, 2025. Every day, there are young women attending schools across the State who struggle to afford basic necessities, including menstrual products. When this occurs, students frequently miss class or skip school all together out of embarrassment and lack of other options. Access to menstrual hygiene products is a gender parity issue, disproportionately affecting low-income girls who already face a number of barriers to education. This law will help offset those disparities.

**House Bill 401/Senate Bill 438: Public Schools - Pregnant and Parenting Students – Policies and Reports**

POSITION: SUPPORT

OUTCOME: RETURNED PASSED

SPONSORS: Delegate Guyton/Senators Washington, Hettleman and Elfreth

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This new law will require the State Department of Education to establish model policies to provide accommodations for pregnant and parenting students in the public school system. This includes policies to include lactation spaces, assistance with child care, and approved leave for parenting needs. It will further require appropriate training for faculty and staff and create a liaison within the school systems for pregnant and parenting students. As parenting is a leading cause of drop out among teen girls, this law will aid these students by providing the support and opportunities necessary to allow these young women to achieve.

**House Bill 1375: Health Information Exchanges - Electronic Health Information - Sharing and Disclosure**

POSITION: SUPPORT

OUTCOME: PASSED/ENROLLED

SPONSOR: Delegate Kelly

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The WLC joined other organizations in signing on in support of this legislation which will establish a “one-stop” website where consumers can opt out of the sharing of their personal health information beyond their rendering provider. This bill is critical in advancing consumer privacy in the increasingly interconnected world of shared electronic health records. Protecting consumer privacy is critical in protecting the health of people at risk for discrimination and stigma. When consumers are concerned that their privacy may be compromised by the sharing of records, they may either forego or delay care. These consumers include those seeking the following types of services: reproductive health including treatment of sexually transmitted infections, LGBTQ, PrEP and HIV care, behavioral health, and services to support survivors of domestic violence and sexual assault.

**House Bill 731/Senate Bill 567: Telehealth Services – Expansion**

POSITION: SUPPORT

OUTCOME: RETURNED PASSED

SPONSORS: Speaker Jones/President Ferguson (by Request of Administration)

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This new law provides for fair and consistent reimbursement policies for telehealth after the current public health emergency has ended. Currently, coverage for many individuals for telehealth services is set to expire at the end of 2021. Yet, we know that the health needs, and the inability to easily access health care, will not end in this year. In particular, the bill permits, and provides payment for, audio-only visits, which are critical for individuals without access to computers or broad band, so long as the treating provider determines it to be safe, effective, and clinically

appropriate. Healthcare access, much like access to justice, should never be dependent upon financial resources and this legislation would help ensure that is the case. The pandemic has increased health disparities within our communities, and as women – and Women of Color in particular – continue to bear the brunt of those challenges, this law is a step towards closing the gap in health care.

**House Bill 834/Senate Bill 423: Public Health – Federal and State Funding for Abortions – Prohibition and Exceptions**

POSITION: OPPOSE  
OUTCOME: DEFEATED

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Under current law, federal funds are prohibited from being used for abortion except in cases of life endangerment, rape, or incest. State funds may be used to pay for abortions in certain circumstances in addition to those already permitted under federal law, including if a physician determines the continuation of the pregnancy is necessary to prevent serious or adverse effects on the woman's present or future physical or mental health. These bills would have removed the State's ability to use state funds for any circumstances other than when 1) the pregnancy is a result of rape or incest or 2) the woman has a life-endangering physical condition resulting from the pregnancy that would place her in danger of death unless an abortion is performed, creating an undue burden on a woman's right to access abortion. It would have placed limitations on women who lack the financial means to access the medical care they deserve, thereby widening the already enormous gap of health care disparities based on economic status. Decisions such as when and how to obtain an abortion should not be governed by politics or purse strings.

**House Bill 846: Public Health – Abortions – Prenatal Diagnosis of Down Syndrome (Down Syndrome Dignity Act)**

POSITION: OPPOSE  
OUTCOME: DEFEATED

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The WLC, along with several other organizations, signed-on to opposition testimony submitted by the ACLU of Maryland regarding this legislation which would have allowed the State to interfere with a woman's decision to terminate a pregnancy because of a prenatal diagnosis of Down Syndrome. This bill would violate Fourteenth Amendment due process rights, and is an unconstitutional attack on the well-established right for a woman to make her own decision whether to continue or terminate a pregnancy. It would do nothing to improve the lives of people with disabilities, or provide information, resources, and support for families to raise their children with dignity. Instead, it was a thinly-veiled attempt to advance an anti-abortion agenda and contravene fundamental rights of privacy and reproductive autonomy.

**House Bill 997: Equal Protection for Unborn Life Act**

POSITION: OPPOSE  
OUTCOME: DEFEATED

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House Bill 997 was an unconstitutional measure that would not only effectively ban all abortions in Maryland, but also criminalize medical care by subjecting providers to murder or manslaughter charges. While there is a narrow exception for protecting the life of the mother, the bill places equal weight on the life of the pregnant individual and fetus. The WLC opposed HB 997 as dangerous, unconstitutional, and violative of a woman's bodily autonomy by invading very personal decisions that women have a constitutional right to make. Decisions about pregnancy are and should remain a matter between a woman and her doctor.

### **House Bill 1109: Health - Abortion - Ultrasound and Waiting Period**

POSITION: OPPOSE  
OUTCOME: DEFEATED

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House Bill 1109 would have placed burdens and obligations upon women and abortion providers, all for no medical purpose. The bill provided exceptions only for women who have become pregnant as a result of rape or incest, not for medical emergencies, and shockingly excludes psychological and emotional harm, as well as the risk of self-inflicted harm. Finally, the bill would have imposed a fine upon medical professionals who do not abide by the requirements, potentially chilling access to needed medical services. The Women's Law Center opposed HB 1109 because it unnecessarily interferes with communication that should be between a doctor and a patient, imposes undue burdens on a woman's right to access abortion, and disregards the bodily and intellectual autonomy of women. These decisions should not be governed by politics.

### **Senate Bill 543: Insurance – Health Care Sharing Ministries – Exemption**

POSITION: OPPOSE  
OUTCOME: DEFEATED

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This bill would exempt a health care sharing ministry (HCSM) from state insurance requirements if the HCSM meets exemption requirements under federal law. This means that the HCSM would be exempt from any requirements regarding registration, documentation, or administrative oversight. While the intent of SB 543 may have been to streamline an administrative processes, we had concerns about unintended negative consequence, particularly against women, if the Maryland Insurance Administration's oversight of health care sharing ministries was removed.

## **CIVIL RIGHTS AND ACCESS TO JUSTICE**

### **House Bill 18/Senate Bill 154: Landlord and Tenant – Residential Tenants – Access to Counsel**

POSITION: SUPPORT  
OUTCOME: PASSED ENROLLED  
SPONSORS: Delegate Fisher/Senator Hettleman

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As a provider of legal services in Maryland and a member of a dedicated community of civil legal aid providers, the WLC fully supported HB18/SB154 and any legislation poised to create a civil right to counsel. This historic legislation creates access to counsel across Maryland for low-

income tenants facing eviction. While the bill originated as a right to counsel, the final version is nonetheless an important step towards increasing access to justice. Unfortunately, legislation that would have mandated the funding for the bill did not pass, but progress is being made. Legal representation is fundamental to safeguarding fair, equal, and meaningful access to the legal system.

### **House Bill 130: Commission on LGBTQ Affairs**

POSITION: SUPPORT  
OUTCOME: ENROLLED PASSED  
SPONSOR: Delegate Qi

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The establishment of a statewide Commission on LGBTQ Affairs is a first step in addressing the significant and varied challenges the LGBTQ community faces as they navigate employment, healthcare, education, housing, and other fundamental matters of concern. A Commission will be able to gather information, expertise, perspectives, and resources from across sectors to support state and local governments working to ensure equality and dignity for all Marylanders.

### **House Bill 1210: Corporate Diversity – Board, Executive Leadership, and Mission**

POSITION: SUPPORT  
OUTCOME: PASSED ENROLLED  
SPONSOR: Speaker Jones

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Seeking to recognize and bring to light the deficiency of diversity within Maryland board rooms and in executive leadership, this legislation will increase board diversity in Maryland by requiring corporations meet certain criteria related to underrepresented communities in order to qualifying for state grant or contract funding and tax credits. While recent efforts have been made to increase board gender diversity, notably 2019's SB 911 (Gender Diversity in the Boardroom - Annual Report or Nonprofit Sales and Use Tax Exemption Application), efforts to increase racial diversity have unfortunately often stalled. Underrepresented racial groups make up only 12.5% of board directors, with Black directors making up just 4%. And for women of color, that number is shockingly low at less than 2%. This new law should help make the process quicker and benefit the State as a whole.

### **House Bill 304/Senate Bill 88: State and Local Government - Participation in Federal Immigration Enforcement**

POSITION: SUPPORT  
OUTCOME: FAILED

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This legislation would have clarified and limited the authority of state and local law enforcement and correctional agencies and employees to assist federal immigration authorities with civil immigration enforcement. It does not address criminal immigration enforcement. In so doing, this bill would have helped ensure that all Marylanders, regardless of immigration status, have the Constitutional rights to which they are entitled, and provide important protections that build trust between law enforcement and the communities they serve. Among the free legal services the WLC

provides is our MEDOVI project, which serves foreign-born victims of domestic violence, sexual assault, and human trafficking who are seeking immigration status independent of their abusers who typically threaten our clients with deportation or refuse to provide the documentation necessary to obtain legal status in an attempt to maintain control over their relationship.

**House Bill 31: Courts – Surcharges and Payment to Special Funds –  
Prohibited Lease Provisions  
House Bill 478/Senate Bill 232: Civil Cases – Surcharges**

POSITION: SUPPORT WITH AMENDMENTS

OUTCOME: FAILED

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HB 31, HB478, and SB232 all sought to create a modest increase in court filing fees that would be provided in turn to the Maryland Legal Services Corporation (MLSC). HB31 would have distributed the funds equally between MLSC and rental assistance programs in the State to fund the civil access to counsel bill. MLSC provides essential funding for the provision of civil legal services to low-income Marylanders after the Maryland General Assembly created it in 1982 to be the state’s primary funder of civil legal aid. This increase would have allowed MLSC to continue its important work, while still keeping the average costs for filing fees in Maryland below the national average. The WLC supported all legislation seeking to increase funding to MLSC and while HB31 ultimately moved the farthest during session, it unfortunately failed on sine die.

**House Bill 35: Judges – Selection and Retention  
House Bill 75: Election Law – Circuit Court Judges – Nonpartisan Elections  
House Bill 447: Judges – Selection, Election, Tenure, and Continuance in Office  
Senate Bill 295: Circuit Court Judges - Elections**

POSITION: SUPPORT/SUPPORT WITH AMENDMENTS

OUTCOME: FAILED

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An integral part of our advocacy work includes working to ensure that our judiciary is free of gender and race bias and representative of the communities it serves. We advance that goal by participating in the judicial selection process, where our Judicial Selections Committee interviews candidates for all trial and appellate courts, in every county. In the past two decades we have conducted well over one thousand interviews of candidates. In the past year alone, the WLC conducted interviews and submitted letters to the Governor’s office and Judicial Nominating Commissions for 70 applicants in 8 different jurisdictions. These bills all sought to take politics out of the court, by either allowing circuit court judges to face a retention election, same as the appellate court judges, rather than a contested one (HB35, HB447, SB295) or by removing any language related to partisan elections from the process (HB75). Maryland deserves a judiciary that is representative of its communities and that is fully vetted and qualified.

**House Bill 306/Senate Bill 400: Hate Crimes –  
False Statement to a Law Enforcement Officer**

POSITION: SUPPORT

OUTCOME: FAILED

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These bills sought to address a very concerning, dangerous, and detrimental practice that has received national attention over the past few years. In particular it would have clarified that making a false statement to a law enforcement officer about another party, motivated either in whole, or substantial part, by the latter party's race, color, religious beliefs, sexual orientation, gender, disability, or national origin, or because another person or group is homeless, would be considered a hate crime. Weaponizing the police against communities already marginalized is dangerous, reprehensible, and should not be tolerated.

**House Bill 308/Senate Bill 162: Courts – Civil Actions – Strategic Lawsuits Against Public**

POSITION: SUPPORT

OUTCOME: FAILED

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SLAPP Suits – Strategic Lawsuits Against Public Participation use the court system to intentionally target survivors, whistleblowers, and advocates who speak out against powerful perpetrators, creating a chilling effect on other victims who may seek to do the same. They have become an all-too common tool at silencing criticism and intimidating victims. This legislation would have created a burden on plaintiffs in certain circumstances, in responding to a motion to dismiss, to show that an alleged SLAPP suit had substantial justification in law and fact. While not all of these retaliatory suits will qualify as SLAPP suits, some will and this legislation would have helped discourage this type of litigation abuse.

**House Bill 452/Senate Bill 128: Hate Crimes – Civil Remedies**

POSITION: SUPPORT

OUTCOME: FAILED

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Hate crimes are motivated by prejudice and malice and are an attack on a victim's personal qualities - race, color, religious belief, sexual orientation and national origin. Hate crimes are intended to intimidate the victim and the victim's community, resulting in isolation and vulnerability, and causing particularly profound emotional and psychological damages. Hate crimes also result in physical and economic repercussions similar to other crimes. These bills would have created an avenue for victims to access our justice system and the opportunity to be made whole after experiencing the economic and noneconomic damages of these threatening actions by creating a civil remedy for victims. Hate crime laws matter. Having worked with the Office of the Attorney General and a coalition of organizations for the past two years seeking to find ways to address the rise in hate crimes throughout the state, the WLC will continue to support the civil remedy for victims.

**House Bill 750/Senate Bill 317: Office of the Attorney General –  
Right to Counsel in Immigration Proceedings Coordinator**

POSITION: SUPPORT

OUTCOME: FAILED

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Legal representation is fundamental to safeguarding fair, equal, and meaningful access to the legal system. Yet, there is no right to appointed counsel in civil matters, including in immigration proceedings. Nonetheless, we know that immigrants *with* representation are nearly six times more likely to have a successful outcome than those without representation. While many legal services organizations in Maryland work to bridge the representation gap for immigration services, including the WLC’s MEDOVI project, the need for quality, affordable representation is still incredibly large and acute. This bill would have created a Right to Counsel in Immigration Proceedings Coordinator, who would be tasked with organizing and directing services and resources in order to provide all covered individuals with access to legal representation in removal proceedings. This in turn would ensure a right to counsel in immigration proceedings where the individual is subject to removal from the United States.

**OTHER**

**House Bill 1156/Senate bill 807: Commission on Men and Fatherhood  
(Fatherhood Protection Act)**

POSITION: OPPOSE

OUTCOME: DEFEATED

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It was an unfortunate irony that this legislation was heard during Women’s History Month – a month that should otherwise be spent galvanizing the movement towards gender equity. The bill, complete with calls to “encourage men to become candidates for public office,” “secure appropriate recognition of men’s accomplishments and contributions to the state,” and “recommend methods of overcoming discrimination against men”, was nothing short of a mockery of the progress that has been made throughout the years. The Maryland General Assembly has made great strides to promote gender equity in the recent past, including passing sweeping anti-harassment legislation, promoting equal pay for equal work, and prioritizing the health and safety of working families. The WLC was proud to have supported those initiatives and to continue working with the legislature to ensure women are provided equitable access to success. We firmly believe that when women are given the resources to succeed, we all benefit.

## **Bills We Supported Via Sign-Ons**

**House Bill 801/Senate Bill 684 (2020) (Veto Override): Gender Responsive Pre-release Act**

POSITION: SUPPORT  
OUTCOME: VETO OVERRIDDEN

**House Bill 39/Senate Bill 581: Action for Change of Name - Waiver of Publication Requirement**

POSITION: SUPPORT  
OUTCOME: RETURNED PASSED

**House Bill 439/Senate Bill 470: Institute for Innovation and Implementation - Pregnant, Expecting, and Parenting Students - Data Collection and Report**

POSITION: SUPPORT  
OUTCOME: FAILED

**House Bill 155/Senate Bill 98: County Boards and Public and Nonpublic Prekindergarten Programs and Schools - Discrimination – Prohibition**

POSITION: SUPPORT  
OUTCOME: FAILED

## **Bills We Took a Position On Without Submitting Testimony**

**House Bill 15/Senate Bill 85: Creating Governor's Office of Immigration Affairs**

POSITION: SUPPORT  
OUTCOME: PASSED ENROLLED

**House Bill 449/Senate Bill 488: Family Law - Marriage - Licenses and Records**

POSITION: SUPPORT  
OUTCOME: RETURNED PASSED

**House Bill 231/Senate Bill 46: Crimes - Mitigation - Race, Color, National Origin, Sex, Gender Identity, or Sexual Orientation**

POSITION: SUPPORT  
OUTCOME: RETURNED PASSED

**Senate Bill 109: Secretary of State - Address Confidentiality Programs - Merger of Programs and Expanded Participant Eligibility**

POSITION: SUPPORT  
OUTCOME: RETURNED PASSED – SIGNED BY GOVERNOR

**Senate Bill 526: Legal Education Success Collaborative – Established**

POSITION: SUPPORT  
OUTCOME: RETURNED PASSED

**House Bill 79/Senate Bill 305: Legal Advertisement or Legal Notice - Publication in Newspaper or Newspaper in General Circulation - Online Newspapers**

POSITION: SUPPORT  
OUTCOME: FAILED

**House Bill 286/Senate Bill 99: Hate Crimes – Law Enforcement Officers and First Responders**

POSITION: OPPOSE  
OUTCOME: DEFEATED

**House Bill 338/Senate Bill 876: Business Regulation - Innkeepers - Records and Human Trafficking Awareness Training**

POSITION: SUPPORT  
OUTCOME: FAILED

**House Bill 413: Judges - Implicit Bias - Testing, Training, and Evaluation**

POSITION: SUPPORT  
OUTCOME: FAILED

**House Bill 470/Senate Bill 522: Public Health - Commission on Universal Health Care**

POSITION: SUPPORT  
OUTCOME: FAILED

**House Bill 1088/Senate Bill 768: Nondiscrimination and LGBTQ+ Individuals**

POSITION: SUPPORT  
OUTCOME: FAILED

**Senate Bill 842: Workgroup to Study the Assessment, Treatment, and Available Resources for Female Youth in Contact With the Justice System**

POSITION: SUPPORT  
OUTCOME: FAILED

**Senate Bill 867: Criminal Law – Hate Crimes – First Responders**

POSITION: OPPOSE  
OUTCOME: DEFEATED

**Senate Bill 911: Unlawful Employment Practice - Statute of Limitations and Remedies**

POSITION: SUPPORT  
OUTCOME: FAILED

**SJ3/HJ3: Commission to Establish a Maryland Women Veterans Memorial**

POSITION: SUPPORT  
OUTCOME: FAILED

**House Bill 470/Senate Bill 522: Public Health - Commission on Universal Health Care**

POSITION: SUPPORT  
OUTCOME: FAILED

**House Bill 270/Senate Bill 555: Criminal Procedure - Victims of Sexually Assaultive Behavior - Required Meeting**

POSITION: SUPPORT  
OUTCOME: FAILED