



# Women's Law Center *of Maryland*

## 2022 Legislative Wrap Up

### PRIORITY BILLS THAT PASSED

**House Bill 8/House Bill 496/Senate Bill 275: Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act)**

**Position: Support**

**Outcome: Enacted Over Governor's Veto (HB496/SB275); Failed (HB 8)**

**Sponsors: Delegate Valderrama and Senator Hayes**

The WLC is proud to have been an active member of the Time to Care coalition and to have advocated for the passage critically important piece of legislation. After several years of rigorous advocacy, the time for paid family leave to be established in Maryland has finally arrived. 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. It will 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. The Governor vetoed the bill after its passage, but the legislature overrode the veto and it will now take effect June 1, 2022. The Family and Medical Leave Insurance Fund will be established in 2023 and benefits are expected to be provided to individuals by 2025.

As women continue to be the primary caregivers for children and family members, they also make up nearly half the workforce. With two-thirds of Maryland families having women as the sole, primary, or co-breadwinner, women are disproportionately represented in low-wage jobs, and 15% of working women who have a child without paid leave end up on public assistance. To address the current economic crisis, and return over a million women to our workforce, and our economy, paid family leave is absolutely necessary. This effort demonstrates Maryland's commitment to working families by helping to protect their health, stability and wellbeing, and will have an immediate positive impact on our economy.

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## **House Bill 937 and 952/Senate Bill 890: Abortion Care Access Act**

**Position:** Support  
**Outcome:** Enacted  
**Sponsors:** Delegate Kelly and Senator Kelly

Our mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. We recognize that all the issues we fight for are interconnected. Women cannot have bodily autonomy unless they have physical safety. They cannot have physical safety without economic security. And they cannot have economic security without bodily autonomy.

We wholeheartedly supported the Abortion Care Access Act as a critical step towards increasing access to abortion care services and remove barriers to insurance coverage for abortion care. Women in Maryland deserve not only a right to an abortion, but also meaningful access to one when and where they need one. Abortion access should not be dependent on zip code or insurance status. This legislation will update our laws to reflect the recommendations of the American College of Obstetrics and Gynecologists, by allowing nurse practitioners, nurse-midwives, licensed midwives, and physician assistants to also provide abortion care, as they already do in 14 other states. This is particularly critical right now as states are seeing an increased demand for abortions as access is restricted in neighboring regions. Even within Maryland, most abortion providers are located in the greater Baltimore and DC metropolitan area, and two-thirds of counties in Maryland do not have a single abortion provider. It would further increase access to abortion care for women utilizing both private insurance and Medicaid, by removing obstacles such as deductible requirements, co-payments, or cost-sharing provisions, and would require insurers provide information to consumers regarding their coverage. The right to reproductive choice is meaningless without full access. For these reasons, the WLC was a proud supporter of the Abortion Care Access Act.

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## **Senate Bill 450/House Bill 1393: Harassment and Sexual Harassment – Definitions – Employment Discrimination and Sexual Harassment Prevention Training**

**Position:** Support  
**Outcome:** Returned Passed  
**Sponsors:** Senator Smith and Delegate Queen

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, its work is not yet finished, and for the past two years, the WLC has been one of the lead advocates of this legislation which, once enacted, will build on the Commission's 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, is not be considered severe enough under the law. They are almost universally fearful of retaliation, and skeptical that the system will ever support them. This law will 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.

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## **House Bill 148/Senate Bill 328: Criminal Law – Stalking - Definition**

**Position:** Support  
**Outcome:** Passed Enrolled  
**Sponsors:** Delegate Bartlett and Senator Waldstreicher

The WLC is incredibly happy to have supported this important survivor-centered legislation. Once enacted, it will update Maryland's existing stalking crime to explicitly include the more modern methods of electronic stalking in use today, such as spyware, tracking apps, GPS, and hidden cameras and recording devices. We regularly see clients who experience electronic stalking and are unable to get relief from law enforcement. This form of stalking is particularly intrusive, unsettling and very scary. Victims who are being stalked are physiologically on high alert all the time, which can lead to exhaustion, mental health issues, and greater risk of being a victim of violence.

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## **House Bill 817: Criminal Law – Violation of a Protective Order – Merger Prohibition and Separate Sentence Authorization**

**Position:** Support  
**Outcome:** Returned Passed  
**Sponsors:** Delegate Shetty

House Bill 817 provides that a sentence after conviction for violation of a protection order does not merge with any other sentence. It makes it clear that courts can exercise discretion to sentence a defendant consecutively or concurrently when a defendant has violated a protection order by committing another crime. Under HB 817, a conviction for a serious crime that carries a higher possible sentence does not get merged into the relatively low sentence for a violation of a protective order.

The law is clear that it is entirely in the province of the legislature to make it clear that a sentence does not merge with any other sentence, so we asked the legislature to make it clear in these cases that violating a protective order by committing another crime such as assault against the victim does not provide for a low sentence. The discretion is left to the sentencing judge. This bill passed unanimously out of both chambers to become law, and was signed by the Governor on April 21, 2022. Its effective date is October 1, 2022.

## **PRIORITY BILLS THAT FAILED**

### **House Bill 153/Senate Bill 33: Criminal Law - Sexual Crimes - Repeal of Spousal Defense/Criminal Law - Sexual Crimes - Fourth-Degree Sexual Offense and Spousal Defense**

**Position:** Support  
**Outcome:** Failed  
**Sponsors:** Delegate Crutchfield and Senator Lee

Had it finally passed, this legislation would have repealed archaic prohibitions on prosecuting someone for rape of their spouse. While first degree rape of a spouse can be prosecuted in Maryland, marriage is a complete defense to lesser degrees of sexual assault. The WLC has long advocated for the repeal of that defense; 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, with the Senate version actually creating more harm than good, and the bill failed in conference committee on sine die. The WLC will be back in 2023 to support this legislation.

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### **House Bill 1171: Declaration of Rights – Right to Reproductive Liberty**

**Position:** Support  
**Outcome:** Failed  
**Sponsors:** Speaker Jones

Since 1973, states have enacted more than 1,336 abortion restrictions nationwide and in December 2021, the Supreme Court heard arguments in *Dobbs v. Jackson Women’s Health Organization*, regarding Mississippi’s law banning abortion after 15 weeks of pregnancy. The WLC was proud to be part of an amicus brief in support of the abortion provider in that case. Despite nearly fifty years of Supreme Court jurisprudence, it is the first time the Court is taking up the issue of pre-viability abortion bans since *Roe*, and there is a very high likelihood that the Court uses this case to overturn *Roe*, or at the very least open the door to additional challenges, including those being made in a pipeline of at least two dozen cases designed to constrict our reproductive freedoms. In response, this legislation sought to constitutionally enshrine the rights of Marylanders to reproductive freedom. Specifically, the bill recognized that a central component of an individual’s rights to liberty and equality includes the fundamental right to *reproductive* liberty, including the right to make decisions and choices regarding their own reproduction, including decisions related to preventing, continuing, or terminating a pregnancy. A constitutional amendment would have been the strongest protection we could provide to ensure future generations of Marylanders have meaningful access to the full range of reproduction health care, from birth control to infertility treatments, to abortion. As reproductive rights are being eroded in neighboring states, Maryland must not give in to complacency and must act affirmatively to ensure all Marylanders have the fundamental right to reproductive liberty, regardless of what the Supreme Court – or any other state – determines.

## **ECONOMIC SECURITY AND EMPLOYMENT LAW**

### **House Bill 282/Senate Bill 316: Sales and Use Tax – Diapers and Baby Products – Exemptions**

#### **House Bill 3: Sales and Use Tax – Diapers – Exemptions**

**Position:** Support  
**Outcome:** Enacted (HB282/SB316); Failed (HB3)  
**Sponsors:** Delegate D. Jones and Senator Elfleth  
Delegate Crosby

House Bill 282 and Senate Bill 316 expands the current exemption from the sales and use tax for baby related products to include diapers, baby bottles, baby bottle nipples, and infant car seats. Currently, baby oil and baby powder are exempt from sales tax, but the other items are inexplicably excluded from that list, despite being a necessity for any newborn, infant, or toddler. House Bill 3, which failed, would have expanded the current exemption to include diapers, but did not include the other baby necessities. The WLC supported these bills because they will assist women who are already often the primary care takers and increasingly the sole or primary income-earner for families. Without diapers and other related necessities, parents cannot transport their children safely, and infants cannot participate in childcare and early childhood development programs. When children cannot participate in those programs, oftentimes caregivers cannot work but rather must stay home with their children, continuing the cycle of poverty and underemployment.

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**House Bill 125: Motor Vehicle Insurance - Discrimination in Underwriting and Rating - Prohibitions**

**Position:** Support  
**Outcome:** Failed  
**Sponsors:** Delegate Shetty

House Bill 125 would have prohibited auto insurance companies from utilizing gender as a factor in underwriting, thereby prohibiting motor vehicle insurers from discriminating against women, or charging women higher insurance rates, for no reason other than the fact they are women. Women pay as much as 39% more for insurance than otherwise identical men, which translates to as much as \$154 more for their annual auto insurance premiums. Auto insurance rates should be based on driving record and driving experience – not on an individual’s occupation, credit score, sex, marital status, or education level.

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**House Bill 258: Employment Standards - Seating for Employees (Right to Sit Act of 2022)**

**Position:** Support  
**Outcome:** Failed  
**Sponsor:** Delegate Stewart

House Bill 258 sought to require employers with 15 or more employees to provide seating accommodations for employees, where the nature of the work is such that it can be reasonably performed while seated. It further would require employers with 14 or fewer employees to provide the same accommodation so long as it does not create an unreasonable hardship for the employer. Having the ability to sit is a frequently requested, and often unreasonably denied, accommodation for many workers, but in particular it can be necessary for pregnant workers in order for them to maintain a healthy pregnancy. This is an accommodation that many employers are already providing to employees with documented disabilities; this change would likely be small and inconsequential to the employers, but significant in improving the health and quality of life of employees.

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**House Bill 431/Senate Bill 530: Maryland Fair Scheduling Act**

**Position: Support**  
**Outcome: Failed**  
**Sponsors: Delegate Foley and Senator Benson**

Had it passed, this legislation would have made an enormous difference in the lives of working parents, workers seeking to further their careers through additional education, and other people with multiple claims to their time. The lack of predictability of a job schedule can preclude a Maryland worker from attending school part-time or meeting her obligations to her children. This law would provide more employment opportunities for women in this State, particularly parents of young children, by requiring on-call pay, notice of shift changes, and an opportunity to refuse hold-over shifts without fear of retaliation.

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**House Bill 455: State Personnel – Implicit Bias Awareness Training – Required**

**Position: Support**  
**Outcome: Failed**  
**Sponsors: Delegate Wells**

House Bill 455 would have required all state employees to participate in and complete implicit bias training within six months of their hire date and on an annual basis. Because implicit bias exists within every individual, and can have a negative impact on those interacting with the State, the WLC supported this legislation.

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**House Bill 698/Senate Bill 721: Labor and Employment - State Minimum Wage Rate – Increase**

**Position: Support**  
**Outcome: Failed**  
**Sponsors: Delegate Turner and Senator Waldstreicher**

During the pandemic, women have been disproportionately forced out of the job market at unprecedented rates. This mass exodus can be strongly attributed to a combination of lack of paid family leave and stagnant wages that are insufficient to care for a family, or cover child care costs necessary in order to work. In short, the pandemic has decimated working families who cannot afford to wait until 2025 for their wages to keep up with the economy, and this legislation would have accelerated the timeline for the minimum wage increase.

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**Senate Bill 449: Unlawful Employment Practices – Remedies**

**Position: Support**  
**Outcome: Failed**  
**Sponsors: Senator Smith**

Senate Bill 449 sought to address inequities and outdated remedies within the Maryland Fair Employment Act for employees who have been discriminated against in their workplace by incrementally increasing caps on compensatory damages and by extending the statute of limitations on back pay that can be awarded to victims of unlawful employment discrimination.

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**Senate Bill 78/House Bill 72: Maryland Wage and Hour Law and Maryland Wage Payment and Collection Law – Revisions (Maryland Wage Protection Act)**

**Position: Support**  
**Outcome: Failed**  
**Sponsors: Senator Smith and Delegate Charkoudian**

As approximately 33% of Maryland workers are low wage workers and 60% of those workers are women, wage theft and wage loss is a women's issue that has a demonstrable negative effect on women and their families in Maryland. Thus, the Women's Law Center of Maryland supported these bills which sought to resolve three challenges workers face when attempt to address wage theft: retaliation from seeking to obtain their earned wages; a lack of transparency on paystubs; and the status of independent contractors under current wage and hour laws.

**FAMILY LAW**

**House Bill 210: Criminal Trials - Spousal Privilege - Exception**

**Position: Support**  
**Outcome: Returned Passed**  
**Sponsor: Delegate Grammar**

Once enacted, HB210 will establish that the spouse of a person on trial for a crime may be compelled to testify as an adverse witness if the marriage occurred after the date on which the alleged crime occurred. The WLC supported this bill because perpetrators of crimes should not be able to shield themselves by marrying a relevant witness to the state 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 104/Senate Bill 41: Family Law- Child Custody and Visitation**

**Position: Support with Amendments**  
**Outcome: Failed**  
**Sponsors: Delegate Atterbeary and Senator Lee**

Arising out of recommendations made by the Workgroup to Study Child Custody Court Proceedings Involving Child Abuse or Domestic Violence Allegations, these bills would have amended Family Law Section 9-101 to require a court to articulate its findings in custody cases where allegations of domestic violence or sexual assault are presented. The WLC supported the bill in concept, but voiced concerns about potential for abuse in high conflict cases by the very broad language in some sections.

**House Bill 369/Senate Bill 377: Marriage Records – Name Change**

**Position: Support**  
**Outcome: Returned Passed**  
**Sponsors: Delegate Belcastro and Senator Lee**

This law creates a statutory process for changing an individual's name on a marriage certificate after its original issuance. This is particularly relevant to transgender folks who wish to have accurate and affirming identity documents. It will allow them to do so with clarity and dignity, and without risk of being outed against their will.

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**House Bill 284/Senate Bill 20: Criminal Procedure - Out of Court Statements - Child Victims**

**Position:** Support  
**Outcome:** Returned Passed  
**Sponsors:** Delegate Crutchfield and Senator Lee

This law will allow the admission of an out of court statement (hearsay) made by a child victim (or child-witness in certain circumstances) under the age of 13 in a criminal or juvenile court proceeding. It will reduce the need for that child to come to court and testify about traumatizing experiences, while maintaining the same procedural safeguards that exist under current law, and is a modest expansion to create laws that are trauma informed for our youngest citizens.

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**House Bill 639: Family Law – Grounds for Divorce**

**Position:** Support  
**Outcome:** Failed  
**Sponsors:** Delegate Atterbeary

House Bill 639 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.

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**House Bill 1293/Senate Bill 884: Driver's Licenses – Suspension for Child Support Arrearages – Exception**

**Position:** Support with Amendments  
**Outcome:** Failed  
**Sponsors:** Delegate Henson and Senator Watson

This legislation would prevent the Maryland Child Support Agency from suspending a driver's license to enforce court ordered child support if the payor earns less than 300% of the Federal Poverty Level. It can be counter-intuitive to deprive someone who owes money, in this case arrearages on child support, from the means to get to and from a job, and in the appropriate circumstances it may be better to not suspend the license. However, the WLC shared concerns, and suggested an amendment related to, obligors voluntarily impoverishing themselves, in order for this exception to kick in.

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**House Bill 947: Family Law - Joint Custody**



**Position: Oppose**  
**Outcome: Defeated**  
**Sponsors: Delegate Shoemaker**

This legislation would have created a presumption of joint legal custody and physical custody for equal periods of time for each parent. The WLC continues to oppose the presumption for joint legal and equal physical custody created by this Bill, which is particularly egregious in that there is no exception for situations in which there has been domestic violence. The current standard of “best interests of the child” is the most child centered and appropriate standard for custody decision-making.

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#### **House Bill 1036: Child Custody - Relocation Of Child - Expedited Hearing**

**Position: Oppose**  
**Outcome: Defeated**  
**Sponsors: Delegate Charles**

While the WLC supported the purpose of this legislation that would allow for an expedited hearing in the event a parent or custodian of a child wished to relocate the child more than 40 miles away, we nonetheless found that this bill did not properly address the concerns which it was alleging to fix.

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#### **House Bill 1168/Senate Bill 849: Family Law – Legal Decision Making and Parenting Time**

**Position: Support**  
**Outcome: Failed**  
**Sponsors: Delegate McComas and Senator West**

Had it been enacted, this legislation would have provided a much needed overhaul and update to our custody laws in Maryland. The WLC supported this legislation 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. These bills were 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 is modified from prior years’ efforts, to reflect language used in the now mandatory parenting plans. The WLC 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.

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#### **House Bill 1418: Marriage – Confidential Communication – Criminal Charge**

**Position: Support with Amendments**  
**Outcome: Failed**  
**Sponsors: Delegate Jones**

Under current law, if a spouse commits an act of abuse against their partner, and then admits to the act or apologizes to them, the apology or admission is considered a private communication

between the married parties and the criminal defendant can prevent the victim from testifying to what the defendant said. House Bill 1418 would provide that under those circumstances, a spouse may, but does not have to, testify as to the confidential communications made by the other spouse. The WLC supported this bill, as amended, as it places the power in the hands of the victim spouse if they choose to reveal a confidential communication. We look forward to supporting this bill next year.

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**Senate Bill 336/House Bill 1407: Family Law – Custody Evaluators – Qualifications and Training**

**Position:** Oppose  
**Outcome:** Defeated  
**Sponsors:** Senator Carozza and Delegate Valentino-Smith

This legislation would have moved qualifications for custody evaluators in family law cases, from the Maryland Rules to the Maryland Annotated Code. While the WLC appreciates the importance of maintaining rigorous qualifications for these evaluators in custody cases in the state, we opposed the legislation as drafted as we believe the appropriate place for addressing these issues is in the Rules, which would allow for greater flexibility and an ability to update as needed, as opposed to a statute.

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**Senate Bill 718: Family Law - Alimony - Modification**

**Position:** Oppose  
**Outcome:** Defeated  
**Sponsors:** Senator Simonaire

If enacted, Senate Bill 718 would terminate alimony if the recipient lives with someone else. As it does not distinguish between living with a platonic roommate in a common household versus living in a common household in a romantic or other type of relationship (as was likely the sponsor's intent), the WLC opposed this bill as both unclear and unnecessary.

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**Senate Bill 889: Family Law – Child Custody Actions – Considered Judgment of Minor Children**

**Position:** Oppose  
**Outcome:** Defeated  
**Sponsors:** Senator Lee

Senate Bill 889 would create a rebuttable presumption that a child of 13 or older has “considered judgment” and is entitled play an active role in the decision making of a custody case. Social science indicates that it is traumatic for most children to be put in the position of deciding how their parent's custody arrangements will work. Having the children be parties to their own custody cases, including filing motions, arguing, and being present in the courtroom for what can be a very contentious trial is a terrible thing to do to them. The WLC has consistently supported, and will continue to support, what is in the best interests of the child.

**DOMESTIC VIOLENCE AND SEXUAL ASSAULT**

## **House Bill 86/Senate Bill 6: Landlord and Tenant – Residential Leases – Tenant Rights and Protections**

**Position:** Support  
**Outcome:** Returned Passed  
**Sponsors:** Delegate Stewart and Senator Waldstreicher

Once enacted, this legislation will make significant changes to existing landlord/tenant laws, including requiring procedures for landlords who choose to a ratio utility billing system; requiring a statement of costs and specific documentation from landlords who withhold the return of a security deposit, and significantly, expanding protections for tenants and legal occupants who are victims of abuse who need to terminate their lease, by allowing physicians and psychologists to provide documentation of proof of abuse.

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## **House Bill 296/Senate Bill 280: Interim and Temporary Protective Orders – Electronic Filing and Video Conferencing Hearings**

**Position:** Support with Amendments  
**Outcome:** Returned Passed  
**Sponsors:** Delegate Crutchfield and Senator Hettleman

This groundbreaking legislation authorizes a victim to file a petition for a temporary protective order electronically from hospital settings and from victim services programs. It will allow some of our most vulnerable victims to seek the safety of a Protection Order from a remote location when and where they need it. It also requires the hospitals to connect the victims seeking services to prevention and assistance programs. By enabling victims and survivors to electronically petition for a protective order from a hospital a tremendous barrier to obtaining a protective order is removed; the burden of needing to physically appear at a courthouse to file the petition and complete the ex parte initial hearings required for interim and temporary orders of protection.

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## **House Bill 561/Senate Bill 17: Child Custody - Cases Involving Child Abuse or Domestic Violence – Training**

**Position:** Support with Amendments  
**Outcome:** Passed Enrolled  
**Sponsors:** Delegate Fisher and Senator West

The goal of this legislation is to ensure members of the judiciary receive critical training related to cases involving child abuse and domestic violence. Once enacted, the trainings will be provided in consultation with domestic violence and sexual violence service providers. The WLC supported this bill with amendments, because while we fully support the concept of training for judges on these important issues, the bill, as drafted, was too directive and by specifically enumerating the training requirements has the potential to easily become outdated.

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## **House Bill 694/Senate Bill 944: Hospitals - Financial Assistance - Medical Bill Reimbursement**

**Position: Support with Amendments**  
**Outcome: Passed Enrolled**  
**Sponsors: Delegate Charkoudian and Senator Hayes**

The WLC joined testimony, along with the Maryland Network Against Domestic Violence and the Maryland Coalition Against Sexual Assault, in support of legislation that would require certain state agencies to share information about patients that used health insurance for treatment at a hospital who may have qualified for free care based and then send notice to a patient's home about the services rendered and eligibility for free care. The WLC expressed concerns regarding the privacy issues for patients, in particular those survivors of intimate partner violence or sexual assault, whose safety could be jeopardized if the information was not kept confidential. The WLC is grateful to the sponsors of the legislation who worked diligently to create a solution: the law will now require the state agencies to develop a process for identifying those who qualified for free care while ensuring that safety concerns are taken into consideration prior to providing notice to patients.

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#### **House Bill 338: Child Abuse and Neglect - Definition of Neglect**

**Position: Support**  
**Outcome: Failed**  
**Sponsors: Delegate Lopez**

House Bill 338 would have made it clear that child neglect does not include, on the part of a victim of domestic violence, failing to protect a child from witnessing domestic violence, failing to leave a home or relationship in which domestic violence has occurred, failing to call the police or social services, or failing to file a protective order. The WLC supported this as an attempt to address an unfortunate reality: that victims, instead of the perpetrators of abuse, are often blamed and punished for the impacts of the abuse on their children.

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#### **House Bill 472/Senate Bill 887: Primary and Secondary Education – Title IX – Policies and Procedures (Hear Our Voices Act of 2022)**

**Position: Support**  
**Outcome: Failed**  
**Sponsors: Delegate Lewis and Senator Lee**

Unlike colleges, primary and secondary schools are not required to report sexual assault statistics, but available data show that sexual assault is a serious issue faced by middle and high school students, and the rate of incidents has been increasing dramatically in recent years. This legislation would have provided clarity for students and school administrators in sexual misconduct cases regarding rights and obligations under Title IX.

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#### **House Bill 121: Juvenile Court Jurisdiction – Peace Orders – Repeal**

**Position: Support with Amendments**  
**Outcome: Failed**  
**Sponsors: Delegate Cardin**

House Bill 121 would have removed the Juvenile courts' jurisdiction over Peace Orders that are filed when the Respondent (the alleged abuser) is under 18. The WLC understands there are significant issues with how these cases are currently handled, but as originally drafted, this bill would have created a situation where no one could file a peace order against a minor. Working closely with the sponsor, amendments were drafted to collect data on the challenges first, prior to moving forward with significant changes to the statute.

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### **House Bill 1178: Peace Orders and Protective Orders – Coercive Control**

**Position:** Oppose  
**Outcome:** Defeated  
**Sponsors:** Delegate McComas

This bill would have added “coercive control” to the definition of abuse in both the peace and protective order statutes. While the Women’s Law Center has previously supported this bill, and fully agrees that coercive control plays a significant role in violent relationships, our position changed this year based in part on a report by the Battered Women’s Justice Project on this controversial proposal. Amongst our concerns with this bill was the circuitous nature of the statutory language, potentially conflicting definitions of coercive control within the Maryland Judiciary, and the risk of diluting the relief available to victims petitioning for protective orders. We understand the compelling issue here, but are not ready to agree it should be added to the definition of abuse in the protective order statute at this time.

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### **House Bill 833/Senate Bill 768: Criminal Law – Victims of Child Sex Trafficking – Safe Harbor and Service Response**

**Position:** Support  
**Outcome:** Failed  
**Sponsors:** Delegate Lierman and Senator Lee

House Bill 833 would extend the protections available to child sex trafficking victims first established by the Child Sex Trafficking Screening and Services Act of 2019, by providing an exit ramp out of the juvenile legal system for child sex trafficking victims charged with prostitution and other related crimes. The Women’s Law Center of Maryland (WLC) supports this bill because it protects, instead of criminalizes, children who are victims of human trafficking, and provides them with the specialized services they so desperately need.

Maryland continues to lag behind the rest of the country in its response to the horrific crime of child sex trafficking crime. **Maryland ranks behind forty-two other states, plus the District of Columbia, in their legal response to child sex trafficking.** Shared Hope International ranked Maryland in the bottom ten states in its treatment of child victims of sex trafficking nationwide.

In Maryland, trafficked minors can still be incarcerated for prostitution and related crimes, including status offenses that stem from their victimization like truancy and running away, as well as crimes that are common to street survival like trespassing, 4<sup>th</sup> degree burglary, and drug possession. While Maryland finally began offering trafficked minors access to specialized services responsive to the unique trauma that is associated with this type of victimization back in 2019, this protective response does not extend to youth who are incarcerated for actions stemming from their trafficking experience. As a result, trafficked minors continue to languish behind bars,

with the isolation, stigma, and psychological trauma that was once caused by their trafficking experience now being perpetuated by the very systems that were supposed to protect them.

This bill would move from incarceration to protection by providing a process by which minor victims are shielded from prosecution for acts that stem from their own victimization, and instead provided them with the victim-centered, trauma-informed services they need to recover from their trafficking experience. Trafficked youth need protection, not incarceration.

The bill came out of both chambers in different forms and although it appeared the conference committee had reached an agreement it ran out of time on sine die to get anything passed.

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### **House Bill 887: Domestic Violence - Protective Orders - Status Hearings**

**Position: Support**  
**Outcome: Failed**  
**Sponsors: Delegate Bartlett**

House Bill 887 would have given petitioners in protection order cases the ability to be heard by a judge for a status hearing while an order of protection is already in effect. We supported HB 887 as it could have assisted this mostly unrepresented group of litigants who need just a bit of assistance from a court after an order of protection has been entered, without having to file complicated petitions for contempt or modification.

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### **Senate Bill 31: Public Information Act - Inspection of Records From Body-Worn Digital Recording Devices**

**Position: Support**  
**Outcome: Failed**  
**Sponsors: Senator Sydnor**

This legislation 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 31 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.

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### **Senate Bill 382: Intercepted Communications - Admissibility of Evidence**

**Position: Oppose**  
**Outcome: Defeated**  
**Sponsors: Senator Lee**

Senate Bill 382 sought to create exceptions in Maryland's wiretap statute to allow otherwise unlawfully obtained evidence in violation of state wiretap law to be admissible in cases of crimes of violence, stalking, or violation of a protective order. However, this bill would actually create untenable quandaries for both victims and attorneys. Instead, the WLC would welcome an opportunity to examine the wiretap statute in Maryland *as a whole*, a better approach than carve

outs that create complicated problems for both attorneys and litigants. Addressing finite aspects of the law and carving out exceptions could result in unintentional harm to victims of violence.

## **REPRODUCTIVE RIGHTS**

### **House Bill 588: Community Action Agencies - Feminine Hygiene Products**

**Position:** Support  
**Outcome:** Returned Passed  
**Sponsors:** Delegate Bagnall

Once enacted, this law will ensure feminine hygiene products are made available to any woman free of charge, via collaboration with local health departments and community action agencies. Recent reports found that two-thirds of women living in property could not afford such products. Providing women with feminine hygiene products is a matter of simple human dignity. They are not a luxury, nor should they be treated as such.

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### **House Bill 1080/Senate Bill 778: Maryland Medical Assistance Program - Children and Pregnant Women (Healthy Babies Equity Act)**

**Position:** Support  
**Outcome:** Enacted  
**Sponsors:** Delegate Pena-Melnyck and Senator Lam

This law will require Medicaid to provide comprehensive medical care and other health care services to non-citizen pregnant women, and their infants, who would otherwise be eligible for the program but for their immigration status. In other words, this bill ensures that Maryland provides lifesaving and critical health care to pregnant women and their infants regardless of their immigration status. Because pregnant people deserve medical coverage during their pregnancies regardless of their citizenship status, the WLC proudly supported this legislation.

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### **House Bill 626/Senate Bill 669: Pregnant Persons Freedom Act**

**Position:** Support With Amendments  
**Outcome:** Failed  
**Sponsors:** Delegate Williams and Senator Smith

This legislation sought to protect pregnant women seeking abortion care and prevent the criminalization of self-managed abortions or miscarriages. It further would have ensured that individuals assisting a woman seeking an abortion could not be prosecuted. Given the shortage of abortion providers in the country and the burdensome restrictions that prevent women from accessing abortion care, those seeking abortions are turning more frequently to self-managed abortion care – in other words, they are turning to medication outside of a clinical setting. And they are at risk of prosecution. So too are women who miscarry either due to accidents or substance addiction. Overwhelmingly, those who are prosecuted in these types of cases are low-income women, and predominantly women of color. This legislation would prevent this inhumane practice and ensure that we are not criminalizing people for having an abortion or suffering a miscarriage.

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## **House Bill 164: Institutions of Higher Education - Pregnant Students - Policy**

**Position:** Support with Amendments  
**Outcome:** Failed  
**Sponsor:** Delegate Healey

As originally drafted, House Bill 164 would have ensured colleges and universities provide pregnant and parenting students with the ability to take a leave of absence when necessary, while at the same time, preventing the colleges and universities from *requiring* those same students to take a leave of absence against their will. Those institutions would then be required to reinstate the students in good standing, so long as they were in good standing at the time they took their leave. Finally, the institutions are required to provide reasonable accommodations to the students in order for them to safely complete their studies. The WLC supported this legislation, but with amendments that were more inclusive of gender and adoptive parents.

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## **House Bill 1335/Senate Bill 843: Perinatal Care – Drug and Alcohol Testing and Screening – Consent**

**Position:** Support  
**Outcome:** Failed  
**Sponsors:** Delegate Williams and Senator Sydnor

These bills would have ensured that pregnant women are informed and aware and give consent to any drug or alcohol testing before it is performed on them. No one should be tested for something without their knowledge. It negatively impacts the doctor-patient relationship and has a disproportionately negative impact on women of Color. If pregnant women were aware of testing being done without their express consent, it would have a chilling effect on pregnant people seeking prenatal care. Prenatal care is vitally important for the health of both the woman and the fetus.

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## **House Bill 50: Public Health Abortion, Artificial Insemination, and Sterilization Requirement**

**Position:** Support with Amendments  
**Outcome:** Failed  
**Sponsors:** Delegate Amprey

House Bill 50 would have required hospitals that do not perform sterilization, abortion or artificial insemination procedures to inform patients where they can obtain those health services. We wholeheartedly believe it is important for patients seeking care to know and have access to all possible services, especially in time-sensitive issues related to reproductive and abortion care. However, as there were nuances and federal implications to this issue that were not addressed in the original draft of the bill, the WLC supported amendments that would offer clarifying language.

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## **Senate Bill 535/House Bill 1230: Unborn Child Protection From Dismemberment Abortion Act of 2022**



**Position: Oppose**  
**Outcome: Defeated**  
**Sponsors: Senator Ready and Delegate Wivell**

Had this bill passed, it would have outlawed the safest method of performing abortions on women who are 14 weeks or more pregnant. The Women's Law Center of Maryland opposed this bill because it would have created undue risks on woman's health and invaded very personal decisions that women have a constitutional right to make. Doctors, who are always in the best position to determine the appropriate medical course of action, should be free to make medical decisions without fear of litigation from disgruntled spouses or parents of the pregnant woman.

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**House Bill 583: Public Health - Abortions - Prenatal Diagnosis of Down Syndrome (Down Syndrome Dignity Act)**

**Position: Oppose**  
**Outcome: Defeated**  
**Sponsors: Delegate Cox**

The WLC opposed 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.

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**House Bill 735: Public Health – Abortion**

**Position: Oppose**  
**Outcome: Defeated**  
**Sponsors: Delegate Metzgar**

This bill was modeled after Texas SB 8 and is essentially a complete ban on abortion. It would have prohibited a physician from performing an abortion once a fetal heartbeat is detected, with exceptions permitted only if an abortion was medically necessary, and failure to abide by the requirements would be a felony. It further would have allowed any person, whether they even know the pregnant woman, to file a civil action against someone who "knowing engages in conduct that aids or abets the performance or inducement of an abortion." The WLC strongly believes that reproductive choice is essential for the health and well-being of women in Maryland. Because such restrictions create undue burdens on a woman's right to choose, and violate a woman's due process rights, we proudly opposed HB 735.

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**House Bill 1139: Public Funds – Prohibition on Expenditures for Abortion**

**Position: Oppose**  
**Outcome: Defeated**  
**Sponsors: Delegate Adams**

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 discontinuation of the pregnancy is necessary to prevent serious or adverse effects on the woman's present or future physical or mental health. House Bill 1139 would have removed the State's ability to use state funds for any circumstances other than when 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. There is no provision for when the mother's mental health is at risk. The WLC strongly believes that reproductive choice is essential for the health and well-being of women of every economic stratum in Maryland and access to abortion care shouldn't be limited by your ability to pay.

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#### **House Bill 1161: Health - Abortion - Ultrasound and Waiting Period**

**Position:      Oppose**  
**Outcome:      Defeated**  
**Sponsors:     Delegate Ciliberti**

Yet another attempt at limiting women's reproductive choices, this legislation would have imposed burdens and obligations upon women and abortion providers, with no medical purpose. To add insult to injury, the bill provided exceptions only for women who 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.

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#### **House Bill 1167: Public Health - Abortions - Coercion (Coercive Abuse Against Mothers Prevention Act)**

**Position:      Oppose**  
**Outcome:      Defeated**  
**Sponsors:     Delegate McComas**

This legislation was clearly forwarding a political viewpoint ostensibly through a lens of caring for women facing coercive behaviors but disregarding other more common forms of reproductive coercion. Ironically couched in terms of freedom of choice for women, it is plain this is simply an anti-abortion bill dressed up in the guise of seeking to assist vulnerable women. A much better policy would be to strengthen our criminal laws on assault and sexual violence, and increase prosecution under existing laws. In addition, funding more services for victims would offer the greatest chance for victims to live free of their abusers.

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#### **House Bill 1214: Maryland Child Protection Act of 2022**

**Position:      Oppose**  
**Outcome:      Defeated**  
**Sponsors:     Delegate McComas**

Under the guise of protecting child-victims of sex abuse, this anti-choice legislation actually would have done nothing to further that cause but would rather create ambiguity in the law and put adolescents at risk. By prohibiting all people from assisting a minor to obtain an abortion without first obtaining the consent of the minor's parent or guardian without exception, it would require a

victim of incest to get permission from a perpetrator-parent and would allow the sex offender to exercise influence over the victim's decision. Overall, we believed this bill would create more harm than good.

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#### **House Bill 1317: Health - Informed Consent (Women's Right to Know Act)**

**Position:** Oppose  
**Outcome:** Defeated  
**Sponsors:** Delegate Rose

House Bill 1317 would require a litany of burdens and obligations upon women and abortion providers, relating to informed consent, mandatory waiting periods, reporting requirements, and ultrasounds. The bill provides exceptions only for medical emergencies, but shockingly excludes psychological and emotional harm, as well as the risk of self-inflicted harm. The requirements set forth in the bill were not tied to any medical purpose, nor aimed at ensuring women are provided necessary medical information, but rather were a thinly veiled attempt to create a negative, undue burden upon a woman's ability to access to abortion.

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#### **House Bill 1321: Health – Abortions – Reporting Requirement**

**Position:** Oppose  
**Outcome:** Defeated  
**Sponsors:** Delegate Arikan

A perennial attempt at restricting access to reproductive health care, this bill would have required abortion providers to report wide-ranging information on patients who receive abortion care, creating a chilling effect on communication between a patient and her doctor.

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#### **House Bill 1360: Public Health - Abortion-Inducing Drugs**

**Position:** Oppose  
**Outcome:** Defeated  
**Sponsors:** Delegate Cox

The WLC opposed HB 1360 as it was yet another piece of legislation imposing dangerous restrictions on a woman's right to an abortion, and in particular on prescribing medications used in medication abortion. Health care providers must be permitted to care for their patients in accordance with medical guidelines and without fear of retribution or politically motivated restrictions.

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#### **House Bill 1364: Health Care Freedom of Conscience Act**

**Position:** Oppose  
**Outcome:** Defeated  
**Sponsors:** Delegate Cox

Women are entitled to the full array of health care surrounding reproduction and gynecological care and should be free to control and plan their own lives. HB 1364 would seriously impact access to such health care services such as contraception, fertility treatment, or abortion care by allowing any insurer to refuse to cover such services on the basis of religious, moral, or ethical objections.

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## **House Bill 1369: Public Health- Abortions – Standards and Reporting**

**Position:** Oppose  
**Outcome:** Defeated  
**Sponsors:** Delegate Cox

This legislation was simply another attempt at over-regulating women’s health care and imposing burdensome reporting requirements, creating a chilling effect on women seeking abortion care. This bill violates Fourteenth Amendment due process rights and is an unconstitutional attack on the well-established right for a woman to make her own decisions regarding pregnancy.

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## **Senate Bill 504: Equal Protection for Unborn Human Beings Act of 2022**

**Position:** Oppose  
**Outcome:** Defeated  
**Sponsors:** Senator Salling

Senate Bill 504 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 SB504 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.

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## **Senate Bill 891: Public Health – Medical Procedures – Parent or Guardian**

**Position:** Oppose  
**Outcome:** Defeated  
**Sponsors:** Senator Carozza

Senate Bill 891 would repeal existing parental notification law for minors and disabled adult seeking abortion care and would require a litany of requirements that are both unnecessary and invasive. The WLC maintains that our current laws are adequate. Decisions about pregnancy are and should remain a matter between a pregnant person and their doctor.

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# **CIVIL RIGHTS AND ACCESS TO JUSTICE**

## **House Bill 724/Senate Bill 662: Access to Counsel in Evictions Special Fund - Funding**

**Position:** Support  
**Outcome:** Enacted  
**Sponsors:** Delegate Barnes and Senator Zucker

Following the 2021 passage of HB18 mandating that all limited-income tenants in eviction cases “shall have access to legal representation”, this legislation will require the transfer of \$14 million from the Abandoned Property Fund to the Access to Counsel in Evictions Fund in FY 2024 in order to more fully effectuate the 2021 legislation. Legal representation is fundamental to safeguarding fair, equal, and meaningful access to the legal system. Because we strongly support

a civil right to counsel, particularly in areas of the law where fundamental human rights are at stake, the WLC was proud to support this legislation.

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**House Bill 645/Senate Bill 151: Hate Crimes – False Statement to a Law Enforcement Officer**

**Position:** Support  
**Outcome:** Returned Passed  
**Sponsors:** Delegate Jackson and Senator Carter

Once enacted, this legislation will address a very concerning, dangerous, and detrimental practice that has received national attention over the past few years. It will clarify 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.

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**House Bill 70/Senate Bill 315: Courts – Civil Actions – Strategic Lawsuits Against Public Participation**

**Position:** Support  
**Outcome:** Failed  
**Sponsors:** Delegate Rosenberg and Senator Hettleman

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.

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**House Bill 78: Discrimination in Employment - Reasonable Accommodations for Applicants With Disabilities**

**Position:** Support  
**Outcome:** Returned Passed  
**Sponsors:** Delegate Rogers

Once enacted, House Bill 78 will ensure applicants for employment positions are provided the same rights and protections regarding accommodations for disabilities under Maryland law as they are under federal law. Women in general, and women with disabilities in particular, continue to face many barriers in the labor market. Disability prevalence is slightly higher among women than men, and women with disabilities are more likely to be low-income wage earners or

to live in poverty compared to men with disabilities and both men and women without disabilities<sup>1</sup>. This law will prohibit employers from failing or refusing to make a reasonable accommodation for the known disability of an applicant for employment. Because the WLC strongly supports equal employment opportunities, and values a diverse workforce with full economic opportunity, the WLC proudly supported HB 78.

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### **House Bill 114/Senate Bill 129: Access to Counsel in Immigration Proceedings Program**

**Position:** Support  
**Outcome:** Failed  
**Sponsors:** Delegate Williams and Senator Hettleman

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 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.

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### **House Bill 290/Senate Bill 71: Hate Crimes – Civil Remedies**

**Position:** Support  
**Outcome:** Failed  
**Sponsors:** Delegate Crutchfield and Senator Kramer

This legislation would have provided a civil remedy for individuals who have been the victim of a hate crime, thereby allowing them to recover damages for economic and noneconomic harms caused by the crime. The WLC believes 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.

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### **House Bill 453/Senate Bill 550: Correctional Facilities – Transgender, Nonbinary, and Intersex Inmates (Transgender Respect Agency and Dignity Act)**

**Position:** Support  
**Outcome:** Failed  
**Sponsors:** Delegate Lopez and Senator Carter

Nearly one in six transgender Americans—and one in two black transgender people—has been to prison. For those incarcerated transgender individuals, discriminatory policies and sexual assault are constant and real threats, and in fact transgender inmates are 13 times more likely to be sexually

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<sup>1</sup> US Dept. of Labor, Office of Disability Employment Policy, Spotlight on Women with Disabilities, March 2021, <https://www.dol.gov/sites/dolgov/files/ODEP/pdf/Spotlight-on-Women-with-Disabilities-March-2021.pdf>

assaulted than non-transgender people in prison. Segregating transgender people as an entire group within the correctional system—especially without their consent—can stigmatize them, cut them off from work opportunities, privileges and resources, and actually encourage violence by staff. Had it passed, this legislation would have mandated policies to ensure they are properly housed, recognized, and treated with respect and dignity.

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**House Bill 454/Senate Bill 776: Correctional Services - Pregnancy and Postpartum Support  
(Prevention of Forced Infant Separation Act)**

**Position:** Support  
**Outcome:** Failed  
**Sponsors:** Delegate Lopez and Senator Carter

The Healthy Start Bonding Program within the Maryland correctional system would have allowed women who are on pre-release status who have recently given birth to reside with their child in the prerelease unit for up to one year following the birth of the child. Current policies require women who give birth to return to their correctional facility, without their newborns, within 1-2 days of giving birth. Ultimately, allowing incarcerated new mothers the ability to remain with their newborns will help the hidden victims of crime, namely the children left behind.

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**House Bill 495/Senate Bill 519: Education - Student-Organized Peaceful Demonstrations –  
Student Discipline and Policy**

**Position:** Support  
**Outcome:** Failed  
**Sponsors:** Delegate Ebersole and Senator Washington

Historically, gender-based censorship has been a pervasive issue, with the voices of women monitored, limited, and even criminalized, often under the guise of protecting public morals. In educational settings, this has led to disproportionate disciplinary action when it comes to acts of protest. In particular, girls of color are more likely to be disciplined for minor subjective offenses that are susceptible to biases, such as being “defiant,” “loud,” “disobedient,” or “disrespectful.” Had it been enacted, this legislation would clarify the rights of students to demonstrate and express themselves within the public school system, without fear of bias-based retaliation or repercussion, while establishing guidance for schools, such as requiring schools to establish a demonstration policy for students, conditions students must adhere to in terms of notification and school disruption, protections against excessive or unnecessary punishment of students, and limitations on language that has the intent to harass, threaten or intimidate others.

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**Senate Bill 22/House Bill 209: Criminal Law - Unnatural or Perverted Sexual Practice -  
Repeal**

**Position:** Support  
**Outcome:** Failed  
**Sponsors:** Senator Lam and Delegate Moon

Senate Bill 22 would close a loophole that was left in 2020 when the legislature repealed the crime of sodomy, but left the portion of the law criminalizing “unnatural and perverted sex acts” intact.

By repealing the remaining law, this bill would make it safe for people to engage in *consensual* activity as they mutually choose.

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**Senate Bill 223/House Bill 298: Landlord and Tenant – Eviction Actions – Filing Surcharge and Prohibited Lease Provisions**

**Position:** Support  
**Outcome:** Failed  
**Sponsors:** Senate President Ferguson and House Speaker Jones

Developed by the Attorney General through the COVID 19 Task Force on Access to Justice, a partnership between the Maryland Attorney General's Office and the Maryland Access to Justice Commission, this legislation would have brought filing fees in landlord tenant cases closer in line with surcharges filed in other states, while at the same time increasing funding for Access to Counsel.

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**House Bill 306: Election Law – Circuit Court Judges – Nonpartisan Elections**

**Position:** Support with Amendments  
**Outcome:** Failed  
**Sponsor:** Delegate Qi

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. This bill sought to take politics out of the court, by removing any language related to partisan elections from the process but does not go far enough. Maryland deserves a judiciary that is representative of its communities and that is fully vetted and qualified, without politics or politicking.

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**House Bill 337/Senate Bill 21: Criminal Procedure – Sentencing – Primary Caretaker**

**Position:** Support  
**Outcome:** Failed  
**Sponsors:** Delegate Lopez and Senator Carter

If enacted, this legislation would have required judges take into consideration whether a person convicted a of non-violent offense is a primary caretaker of a dependent, and if so, whether that person could be placed into a community-based alternative to incarceration that would prevent the separation of the caretaker and their dependent. Because the WLC believes that keeping families together whenever possible is in the best interest of children, families, and our society at large, we supported these bills.

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**House Bill 412/Senate Bill 392: State Commission On Criminal Sentencing Policy – Plea Agreements And Annual Report (The Judicial Transparency Act Of 2022)**

**Position:** Support with Amendments  
**Outcome:** Failed  
**Sponsors:** Speaker Jones and President Ferguson (by request of the Administration)



This legislation would have established that a sentence imposed under a plea agreement may not be considered to be compliant with the sentencing guidelines unless the sentence falls within the *actual* sentencing guidelines range. It further expanded the reporting requirements about sentencing and sentencing guidelines in criminal law cases. The WLC did not take a position on the substantive portions of the bill but requested amendments to include data on the gender of the defendant being sentenced. This is vitally important information to make sure sentences are not being meted out unfairly based on gender.

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### **House Bill 426: Vehicle Laws - Policies and Prohibition Against Discriminatory Traffic Stops**

**Position:** Support  
**Outcome:** Failed  
**Sponsors:** Delegate Rosenberg

House Bill 426 would have required the Maryland Police Training and Standards Commission to expand their current model policy against race-based traffic stops to include traffic stops based solely on an individual's national origin, religion, gender, gender identity, or sexual orientation. It would further require law enforcement agencies to adopt similar policies. The Women's Law Center of Maryland recognizes that the intersectionality of race and gender, as well as gender-identity, can play a large role in how individuals are perceived by the police. It is clear that an individual's race, gender, religion, or other membership in a protected class should play no role in whether they are stopped by law enforcement.

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### **House Bill 572/Senate Bill 486: Places of Public Accommodation and Public Buildings - Gender-Inclusive Signage**

**Position:** Support  
**Outcome:** Failed  
**Sponsors:** Delegate Solomon and Senator Kagen

This very simple proposal offered a practical way to make all feel welcome and safe by requiring any single-occupancy bathroom in a place of public accommodation or in a public building to be marked with gender-inclusive signage, rather than an indication that the restroom may only be used by a specific gender. While this action may seem small and inconsequential, this bill will build a more inclusive and affirming community for everyone, and in particular transgender and non-binary Marylanders.

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### **House Bill 693: Civil Cases – Surcharges and Payments to Special Funds**

**Position:** Support  
**Outcome:** Failed  
**Sponsors:** Delegate Clippinger

HB 693 proposed a modest increase in court filing fees that would be distributed to the Maryland Legal Services Corporation (MLSC), the Access to Counsel in Evictions Special Fund, and the Rental Assistance Special Fund, to avert further reductions in funding to the MLSC, which provides essential funding for the provision of civil legal services to low-income Marylanders.

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**House Bill 1120: Correctional Services – Pregnant Incarcerated Individuals – Substance Abuse Assessment and Treatment**

**Position:** Support  
**Outcome:** Failed  
**Sponsors:** Delegate W. Fischer

All women are entitled to quality healthcare and medical treatment, regardless of their status within the justice system. The Supreme Court has ruled that access to healthcare while incarcerated is a fundamental right<sup>2</sup>. Reproductive health care needs do not cease upon entering prison. And drug and substance abuse treatments are all the more necessary at this stage of health. House Bill 1120 sought to ensure a continuity of care, in particular as it relates to substance abuse treatment, for pregnant incarcerated individuals.

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**House Bill 1131: Courts – Falsely Summoning A Police Officer – Civil Liability**

**Position:** Support With Amendments  
**Outcome:** Failed  
**Sponsors:** Delegate Bartlett

This legislation would have created a civil cause of action against a person who knowingly calls law enforcement on an individual with the intent of infringing on the person’s constitutional rights, causing that person embarrassment, harassment or humiliation, or to damaging the person’s reputation. 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. We are wary of unintended consequences for the people we represent and others trying in good faith to assist them.

**OTHER**

**House Bill 1213: Human Services - Commission on Fatherhood  
(Fatherhood Protection Act)**

**Position:** Oppose  
**Outcome:** Defeated  
**Sponsors:** Delegate Metzgar

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

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<sup>2</sup> *Estelle v. Gamble*, 429 US 97 (1976).

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.