



2021 Legislative Session Wrap-Up

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens.

The 2021 legislative session was unique in many ways with bill hearings conducted virtually, the buildings closed to the public, an annex created for delegates to allow for social distancing on the House floor, and committee voting sessions live-streamed. With the pandemic omnipresent, there were numerous bills to address its impact. Other major focuses of this year's legislative session included police reform, immigration rights, expanded voting access, and public health.

Despite the many challenges a virtual legislative session presented, MNADV worked closely with allies and legislators to support important legislation that passed and defeat legislation that would be detrimental to survivors of domestic violence. A tremendous thank you to the many program members and advocates that provided your support, thoughts, and experiences and contributed to formulating the positions and advocacy that MNADV engaged in during this historic legislative session.

Over 800 bills passed during the 2021 legislative session. MNADV filed 66 pieces of written testimony and testified orally 26 times. Every bill that MNADV opposed failed and 23 of the bills we supported passed. Below are some highlights of legislation from the 2021 session that impact our work and those that we serve.

Please contact MNADV's Public Policy Director, Melanie Shapiro, at mshapiro@mnadv.org with any questions regarding legislation from the 2021 session or ideas for future legislation.



BILLS THAT PASSED

CRIMINAL LAW AND CRIMINAL PROCEDURE

[HB 193/SB 484 - Criminal Procedure - Victims of Crime - Private Room](#)

MNADV POSITION: Support

SPONSORS: Delegate Guyton/Senator Hettleman

SUMMARY: Requires the State Board of Victim Services to create a poster notifying victims of the right to request a private room when reporting a crime against the person. This includes crimes involving domestic violence and sexual assault. Each law enforcement agency shall display the posters and provide a private room upon request.

NOTES: This is a victim-centered bill that affords victims with basic accommodations when reporting a crime committed against them.

[HB 411/SB 43 – Criminal Law - Law Enforcement Officers - Prohibition on Sexual Activity](#)

MNADV POSITION: Support

SPONSORS: Delegate Williams/Senator Elfreth

SUMMARY: Prohibits a law enforcement officer from engaging in sexual conduct with a person who is a victim, witness, or suspect in an open investigation when the law enforcement officer is conducting, supervising, or assisting with the investigation and knew or should have known that the person is a victim, witness, or suspect. Law enforcement officers are further prohibited from engaging in sexual conduct with an individual requesting assistance from or responding to an officer. There is a narrow exception when a law enforcement officer had a prior existing legal sexual relationship with the person and did not act under the “color of law” to obtain consent to the sexual conduct.

NOTES: Law enforcement is already prohibited from engaging in sexual conduct with persons in their custody. SB 43 is the piece of legislation that passed after conference committee resolved language differences between the House and Senate versions.



CIVIL LAW AND FAMILY LAW

[HB 289/SB 105 - Peace Orders - Workplace Violence](#)

MNADV POSITION: Support

SPONSORS: Vice Chair Atterbeary/Senator Sydnor

SUMMARY: Expands existing law to enable an employer to seek a protective order on behalf of their employees for acts committed against an employee at the workplace. The employee must be notified by the employer before the filing of the peace order. An employer is immune from civil liability if the employer does not file a petitioner for a peace order. An employer is prohibited from retaliating against an employee who does not provide information or testify in support of a peace order petition filed by the employer.

NOTES: Many professions, such as health care professionals and social workers, experience violence in the workplace. The ability for an employer to file for a peace order is one mechanism to improve the safety of these employees. Further, domestic violence is not limited to the home and often extends to a victim's workplace. An employer is enabled by this legislation to petition for a peace order to protect the workplace and employees and a victim of domestic violence is empowered to act in their own best interest.

[HB 744 - Courts – Counsel Appearance Fees – Domestic Violence](#)

MNADV POSITION: Support

SPONSORS: Delegate Dumais

SUMMARY: Prohibits a circuit court clerk from collecting a docketing fee for filing an appearance from counsel for the petitioner or respondent in a domestic violence protective order case.

NOTES: This codifies what is already practice in many jurisdictions.



PUBLIC SAFETY

[HB 1186 - Office of the Attorney General - Firearm Crime, Injuries, Fatalities, and Crime Firearms - Study Extension](#)

MNADV POSITION: Support

SPONSORS: Chairman Clippinger

SUMMARY: This bill extends the time for the filing of a report by the Office of the Attorney General from December 1, 2020 to December 1, 2021. It further extends the time for the filing of subsequent reports to December 1, 2022 and December 1, 2023.

NOTES: During the 2020 legislative session [HB 1629](#) was enacted. This law requires the Office of the Attorney General to gather data, study and report on certain firearm crimes, injuries, and fatalities. The presence of a firearm greatly increases the risk of death in domestic violence incidents. MNADV supports this research in the hopes that it will lead to policy reform and prevent domestic violence homicides.

BUDGET/FUNDING

[HB 514/SB 413 - Maryland Legal Services Corporation Funding - Abandoned Property](#)

MNADV POSITION: Support

SPONSORS: Delegate B. Barnes/Chairman Guzzone

SUMMARY: Increases the amount of money the State Comptroller must distribute from certain abandoned property funds to the Maryland Legal Services Corporation from \$2,000,000 to \$8,000,000.

NOTES: Maryland Legal Services Corporation provides grants to numerous nonprofits that provide critical civil legal services to low-income Marylanders. This increase in funding is necessary to ensure the ability of MLSC to continue funding grantees. Additional legislation, [HB 31](#) and [HB 478/SB 232](#), that sought to modestly increase filing fees that would also benefit MLSC failed.



POLICE REFORM

[HB 670 - Maryland Police Accountability Act of 2021 - Police Discipline and Law Enforcement Programs and Procedures](#)

MNADV POSITION: Support
SPONSORS: Speaker Jones
SUMMARY: Repeals the Law Enforcement Officers' Bill of Rights and replaces it with a new disciplinary process.
NOTES: This bill was vetoed by Governor Hogan and the General Assembly did a successful veto override. This bill as originally drafted reflected the recommendations of the Workgroup to Address Police Reform and Accountability in Maryland.

[SB 71 - Maryland Police Accountability Act of 2021 - Body-Worn Cameras, Employee Programs, and Use of Force](#)

MNADV POSITION: Monitor Only
SPONSORS: Senator Sydnor
SUMMARY: Require the use of body-worn cameras by July 1, 2023, for each law enforcement officer that regularly interacts with the public. Establishes a use of force standard for law enforcement. Creates an employee assistance mental health program.
NOTES: This bill was vetoed by Governor Hogan and the General Assembly did a successful veto override.

[SB 178 - Maryland Police Accountability Act of 2021 - Search Warrants and Inspection of Records Relating to Police Misconduct \(Anton's Law\)](#)

MNADV POSITION: Support
SPONSORS: Senator Carter
SUMMARY: Modifies the Maryland Public Information Act to permit certain police officer misconduct records to be viewed by the public. Limits the use of no-knock search warrants.
NOTES: This bill was vetoed by Governor Hogan and the General Assembly did a successful veto override.



IMMIGRATION

[HB 15/SB 85 - Creating Governor's Office of Immigrant Affairs](#)

MNADV POSITION: Support

SPONSORS: Delegate Pena-Melnyk/Senator Rosapepe

SUMMARY: Creates the Governor's Office of Immigrant Affairs with the director appointed by the Governor. Subject to the availability of funds, the Governor's Office of Immigrant Affairs is charged with many tasks including to create a network of neighborhood-based opportunity centers to provide services to immigrants, increase access to ESOL classes, assist immigrants in relation to their immigration status, create a toll-free multilingual hotline and website to disseminate information regarding their services, and coordinate with other State agencies to meet the needs of immigrants residing in Maryland.

NOTES: Immigrant victims of domestic violence face not only an increased risk of domestic violence but many fears, challenges and barriers when seeking assistance. MNADV supports the efforts to assist all immigrants in Maryland and remove the many burdens they face.

MISCELLANEOUS

[HB 39/SB 581 - Action for Change of Name - Waiver of Publication Requirement](#)

MNADV POSITION: Support

SPONSORS: Delegate Shetty/Senator Hettleman

SUMMARY: Removes the requirement that a person must publish a notice for a petition to change one's name in a newspaper of general circulation in the county in which the petition is pending.

NOTES: This bill is imperative for a victim of domestic violence attempting to secure their safety and anonymity through a name change.

[HB 130 - Commission on LGBTQ Affairs – Established](#)

MNADV POSITION: Support

SPONSORS: Delegate Qi

SUMMARY: Creates a Commission on LGBTQ Affairs within the Governor's Office of Community Initiatives. The Commission has many responsibilities



including to assess the challenges facing LGBTQ communities in Maryland, gather data from State agencies, create surveys and appoint advisory committees in numerous areas such as health and safety, legal rights, and family relations.

NOTES: Domestic violence impacts all communities including the LGBTQ community. However, each community has its own unique needs. MNADV supports this Commission in the hopes that it can identify existing gaps in service to the LGBTQ community and help create LGBTQ-inclusive services.

[HB 180 - Juveniles – Sexting](#)

MNADV POSITION: Support with Amendment

SPONSORS: Chairman Clippinger

SUMMARY: Creates a definition of sexting in Maryland law. Establishes sexting as a mitigating factor that the court shall consider during disposition of the case. Community detention and out-of-home placement are only permitted if extraordinary circumstances exist. The offense of sexting does not qualify for the sex offender registry. A child may be ordered to participate in an educational program if found to have committed sexting.

NOTES: If the sender is more than 4 years older than the recipient, if the images were sent as the result of coercion, threats, or intimidation, or the conduct was not consensual then the mitigating factor language does not apply and existing laws, including child pornography laws, do apply. MNADV supports the new statutory language and believes it strikes the necessary balance between preventing prosecution for sexting, a consensual act that is increasingly common among minors, preventing an abusive and coercive power and control dynamic that can exist in teen relationships, and the unfortunate exploitation of children by adults.

[HB 548/SB 299 - Human Services - Trauma-Informed Care - Commission and Training \(Healing Maryland's Trauma Act\)](#)

MNADV POSITION: Support with Amendments

SPONSORS: Delegate R. Lewis/Senator Carter

SUMMARY: Creates the Commission on Trauma-Informed Care in the Department of Human Services. The objective of the Commission is to prioritize the trauma-responsive and trauma-informed delivery of State services that affect children, youth, families, and older adults.



NOTES: MNADV is a member of this Commission. Incorporated into the charge of the Commission are aspects of [HB 783/SB 425](#), also legislation that MNADV supported. This includes the development of a screening program for Adverse Childhood Experiences and to then provide evidence-based and targeted interventions to support individuals and their families and improve their health and well-being.

[HB 1210 - Corporate Diversity - Board, Executive Leadership, and Mission](#)

MNADV POSITION: Monitor Only

SPONSORS: Speaker Jones

SUMMARY: Requires certain entities incorporated in the state or registered to do business in the state to either have membership of underrepresented communities on the entity's board or executive leadership or support for underrepresented communities in the entity's mission. If an entity does not meet the board diversity requirements the entity may not qualify for certain State benefits worth more than \$1 million.

NOTES: This requirement does not apply to entities that receive a State contract that is federally funded in any way.

[HB 1375 - Health Information Exchanges - Electronic Health Information - Sharing and Disclosure](#)

MNADV POSITION: Support

SPONSORS: Delegate Kelly

SUMMARY: Requires the Maryland Health Care Commission to adopt regulations that require the "State-designated health information exchange" to develop and maintain a website where an individual can opt out of sharing personal health information and records across multiple systems and beyond a specific provider.

NOTES: Confidentiality and privacy is of great importance to victims of domestic violence. This legislation affords the ability to those seeking services as the result of domestic violence to more readily keep that information private and confidential.



BILLS THAT FAILED

CRIMINAL LAW AND CRIMINAL PROCEDURE

[HB 147/SB 250 - Criminal Law – Sexual Crimes – Repeal of Spousal Defense](#)

MNADV POSITION: Support

SPONSORS: Delegate Crutchfield/Senator Lee

SUMMARY: Repealed the defense of marriage to certain sexual crimes.

NOTES: Different versions of the bill passed both the House and the Senate. A conference committee was appointed but did not resolve the difference in bill language prior to sine die.

[HB 195 - Criminal Procedure - District Court Commissioners - Issuance of Arrest Warrant](#)

MNADV POSITION: Oppose

SPONSORS: Delegate Wilson

SUMMARY: Removed the ability for an individual to file an application for a statement of charges with a District Court commissioner and limited the ability to file a statement of charges to police officers only. Limited a commissioner's authority to only be permitted to issue a summons. Removed the ability of a commissioner to issue an arrest warrant.

NOTES: This bill did not receive a vote in committee. This bill completely foreclosed the option for a victim of domestic violence to go to a commissioner for relief. Rather, a victim must go to the police under this bill and convince the police to file on their behalf. Domestic violence is already vastly underreported, we should leave open as many paths to safety for victims as possible. Further, the blanket removal of the ability for a District Court commissioner to issue an arrest warrant could jeopardize the safety of the victim.



[HB 268 - Criminal Trials - Spousal Privilege – Exception](#)

MNADV POSITION: Support
SPONSORS: Delegate Grammer
SUMMARY: Removing the spousal privilege when a person is on trial for a crime and the marriage occurred after the date of the crime. The spouse may be compelled to testify as an adverse witness and cannot invoke the spousal privilege.
NOTES: Passed the House and Senate Judicial Proceedings committee but did not receive a vote on the Senate floor.

CIVIL LAW AND FAMILY LAW

[HB 505 - Child Custody - Legal Decision Making and Parenting Time](#)

MNADV POSITION: Support
SPONSORS: Delegate Dumais
SUMMARY: Codifies custody factors for the court to consider when determining “legal-decision making” or “parenting-time.” Requires the court to articulate its findings of fact. Neither parent is presumed to have any right to legal decision making or parenting time that is superior to the right of the other parent.
NOTES: This bill passed the House but did not receive a vote in the Senate Judicial Proceedings committee.

[HB 748/SB 57 - Family Law – Child Custody and Visitation](#)

MNADV POSITION: Support with Amendment
SPONSORS: Vice Chair Atterbeary/Senator Lee
SUMMARY: States that a court cannot grant custody or visitation to a party if the child has been abused or neglected by the party unless the court specifically finds and that there is no likelihood of further child abuse or neglect. Requires a court in any custody or visitation proceeding in determining the best interest of the child to articulate its findings of fact and any factor that the court considers on the record.
NOTES: The House and Senate versions of this bill each passed their respective chambers but did not receive a vote in the opposite chamber. Amendments made to the bill were supported by MNADV.



[HB 1036/SB 675 - Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges and Child’s Counsel](#)

MNADV POSITION: Oppose
SPONSORS: Vice Chair Atterbeary/Senator Lee
SUMMARY: Requires extensive training for judges that preside over child custody cases that involve child abuse and domestic violence as well as training requirements for child best interest attorneys. Ordered courts to conduct a danger and lethality assessment in cases where there are reasonable grounds to believe that the case may involve child abuse or domestic violence.
NOTES: This bill received an unfavorable vote in the Senate Judicial Proceedings committee and no vote in the House Judiciary committee. MNADV was concerned about the use of a danger and lethality assessment in child custody cases absent further details regarding its implementation. It should be noted that the Danger Assessment is not validated for use on men. As drafted, the bill did not address who would conduct the assessment and what would occur after the assessment was completed, including who would make a referral to services for those at risk of danger and lethality. MNADV was additionally concerned about unintended consequences for a victim of domestic violence if they did not score in the severe or extreme danger categories of risk.

[SB 355 - Family Law – Custody Evaluators – Qualifications and Training](#)

MNADV POSITION: Support
SPONSORS: Senator Carozza
SUMMARY: Establishes education, training, and experiential training requirements for custody evaluators.
NOTES: This bill did not receive a vote in the Senate Judicial Proceedings committee.



PUBLIC SAFETY

[HB 175 - Public Safety - Ammunition - Sales and Transfers](#)

MNADV POSITION: Support

SPONSORS: Delegate Henson

SUMMARY: Requires a background check for certain individuals that do not possess a handgun qualification license prior to the purchase of ammunition.

NOTES: This bill did not receive a vote in the House Judiciary Committee. Currently there is no background check requirement for the purchase of ammunition in Maryland. This legislation would put Maryland at the forefront of reform regarding the purchase of ammunition and background checks. California enacted similar legislation in 2019 being the first state to do so.

[HB 538/SB 826 - Handgun Permits – Qualifications – High-Risk Occupations](#)

MNADV POSITION: Oppose

SPONSORS: Delegate Hartman/Senator Carozza

SUMMARY: Exempts certain persons from the “good and substantial reason” requirement and states that the Secretary of State Police shall issue a permit to wear, carry, transport a handgun to individuals employed in 10 different professions including firefighters, nurses, correctional officers, rescue squad members, and nurse practitioners.

NOTES: Neither bill received a vote in committee.

[HB 638/SB 624 - Public Safety - Untraceable and Undetectable Firearms](#)

MNADV POSITION: Support

SPONSORS: Delegate Lopez/Senator Lee

SUMMARY: Requires serialization on unfinished frames or receivers at the point of sale and requires a Handgun Qualifying License for the sale of unfinished receivers.

NOTES: This bill did not receive a vote in the Senate Judicial Proceedings committee. In the House Judiciary committee, portions of this bill were amended onto [SB 190](#) and passed out of the committee but did not receive a vote on the House floor.

[SB 27 - Public Safety - Permit to Carry, Wear, or Transport a Handgun – Qualifications](#)

MNADV POSITION: Oppose

SPONSORS: Senator Hough



SUMMARY: Defines a “good and substantial reason” to qualify for a permit to carry, wear or transport a handgun to include personal protection and self-defense.

NOTES: This bill did not receive a vote in the Senate Judicial Proceedings committee. Currently COMAR defines a “good and substantial reason” as “[w]hether the permit is necessary as a reasonable precaution for the applicant against apprehended danger.” This bill would greatly expand that definition and result in countless individuals qualifying for a permit to carry, wear or transport a handgun.

[SB 221 - Handgun Qualification License - Firearms Safety Training](#)

MNADV POSITION: Oppose

SPONSORS: Senator Bailey

SUMMARY: Repeals the requirement that an individual demonstrate the ability to safely operate and handle a firearm in order to obtain a handgun qualification license

NOTES: This bill did not receive a vote in the Senate Judicial Proceedings committee. If this training requirement is removed from statute, the sole training requirement for a handgun qualification license would be a minimum of 4 hours of classroom instruction.

MISCELLANEOUS

[HB 138 - Education - Sexual Abuse and Assault Awareness and Prevention Program - Human and Sex Trafficking](#)

MNADV POSITION: Support with Amendment

SPONSORS: Delegate Johnson

SUMMARY: Requires the State Board of Education and certain nonpublic schools to develop and implement a program of age-appropriate education on the awareness and prevention of sexual abuse and assault that includes 6th to 8th grade students.

NOTES: This bill did not receive a vote in committee. MNADV offered amendments that would require the education be provided to students in 6th to 12th grade. Further, that experts in the field of human trafficking and those with direct experience working with survivors of trafficking should be involved in the development of the curriculum.



[SB 690 - Public Information Act - Inspection of Records From Body-Worn Digital Recording Devices](#)

MNADV POSITION: Support

SPONSORS: Senator Sydnor

SUMMARY: Limited the viewing and release of body-worn camera footage in limited circumstances including those of domestic violence and sexual assault. Does not impact the availability and use of body-worn camera footage as evidence in civil and criminal proceedings. Requires victim notification for all requests to view the body-worn camera footage.

NOTES: This bill passed the Senate unanimously but did not receive a vote in the House Judiciary Committee. It previously passed the House unanimously in 2016 and 2017 but failed to pass the Senate. This bill is consistent with the recommendations from the 2015 Commission Regarding the Implementation and Use of Body Cameras by Law Enforcement Officers in Maryland. It is also consistent with policy considerations generated from national experts during the International Association of Chiefs of Police 2017 National Forum on Body-Worn Cameras and Violence Against Women.