



2022 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 2022 legislative session saw a return to in-person bill hearings in the Senate, virtual hearings in the House, vetoes, veto overrides, and the passage of many important pieces of legislation that will positively impact the victims and survivors of domestic violence. This session was only successful due to the many contributions of our member programs and allies including those that participated in weekly calls to offer thoughts and feedback on legislation introduced, testimony on bills and stories of survivors that helped illustrate the impact a piece of legislation would have.



A special thank you to our sister coalition MCASA who we worked closely with on numerous pieces of legislation as well as our partner in the budget process. Also, to the Women's Law Center and House of Ruth who both introduce, advocate and partner with MNADV to pass legislation to improve our laws and systems so that we can better meet the needs of victims and survivors in Maryland. Finally, to the legislative subcommittee of the MNADV Board whose insight and guidance help form MNADV's positions on legislation and strategy and enhance our impact in Annapolis.

Below are some highlights of legislation from the 2022 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 2022 session or ideas for future legislation.

BILLS THAT PASSED

BUDGET

Through the supplemental budget process, \$35 million dollars was allocated to fill the gap related to the temporary reduction in funds eligible through VOCA. An additional \$3 million was allocated to “Domestic Violence Centers” also through the supplemental budget process. Restrictive language was included in the Governor’s Office of Crime Prevention Youth and Victim Services budget to ensure that programs currently receiving VOCA funds maintain fiscal year 2022 level funding through fiscal year 2023. Priority funding is given to non-profit programs based in Maryland. Restrictions were also placed on the expending of certain funds until certain reports are filed by GOCOPYVS detailing certain aspects of the VOCA award and administration process.

CIVIL LAW AND FAMILY LAW

HB 296/SB 280: Temporary Protective Orders – Electronic Filing and Video Conferencing Hearings

MNADV POSITION: Support

SPONSORS: Delegate Crutchfield and Senator Hettleman

SUMMARY: Enables victims eligible for a protective order to file a petition for a temporary protective order from a hospital, domestic violence program, sexual assault program, human trafficking program, child abuse center, program for vulnerable adults or any other location the court may approve. A hearing shall be scheduled the same business day the petition is filed if it is filed while the court is open.

NOTES: MNADV partnered with the Baltimore Jewish Council as lead advocates on this bill. The Governor signed this bill into law. MNADV looks forward to working towards implementation of this process with community and justice system partners and providing technical assistance and training to programs to assist with implementation.

Effective Date: October 1, 2022

SB 17: Child Custody – Cases Involving Child Abuse or Domestic Violence – Training for Judges

MNADV POSITION: Support with amendments

SPONSORS: Senator West

SUMMARY: Requires judges and magistrates that preside over child custody cases that involve child abuse or domestic violence receive at least 20 hours of initial training within their first year of presiding over such cases. The topics for the training shall include various aspects of child development, trauma and exposure to trauma, child abuse, domestic violence, and exposure to domestic violence. The Maryland Judiciary shall consult with child abuse and domestic violence organizations to develop and update the training.

NOTES: Cross-file HB 561 sponsored by Delegate Wanika Fisher did not receive a vote in committee. Governor Hogan signed this bill into law.

Effective Date: July 1, 2022 and July 1, 2024

CRIMINAL LAW AND CRIMINAL PROCEDURE

HHB 148/SB 328: Criminal Law – Stalking – Definition

MNADV POSITION: Support

SPONSORS: Delegate Bartlett and Senator Waldstreicher

SUMMARY: Expands the definition of stalking to include stalking by electronic surveillance or by use of a tracking device. All other requirements under existing law must still be met.

NOTES: Governor Hogan signed this bill into law.

Effective Date: October 1, 2022

HB 210: Criminal Trials – Spousal Privilege – Exception

MNADV POSITION: Support

SPONSORS: Delegate Grammer

SUMMARY: Removes the spousal privilege when a person is on trial for a crime and the marriage occurred after the date of the crime. A spouse may be compelled to testify as an adverse witness and cannot invoke the spousal privilege.

NOTES: This bill became law without the Governor's signature.

Effective Date: October 1, 2022

HB 284/SB 20: Criminal Procedure – Out of Court Statements – Child Victims and Witnesses

MNADV POSITION: No Position

SPONSORS: Delegate Crutchfield and Senator Lee

SUMMARY: Expands the tender years exception to allow for the admissibility of out of court statements made to certain professionals by children under the age of 13 who are an alleged victim of neglect or an alleged victim or witness to a crime of violence.

NOTES: This bill was signed into law by the Governor.

Effective Date: October 1, 2022

HB 817: Criminal Law – Violation of a Protective Order – Merger Prohibition and Separate Sentence Authorization

MNADV POSITION: Support

SPONSORS: Delegate Shetty

SUMMARY: Clarifies that when a protective order is violated by the commission of a subsequent crime the sentences for the new offense and violation of the protective order do not merge and the rules of merger and lenity do not apply. Courts have the discretion to impose a sentence deemed appropriate based on the individual facts of the case.

NOTES: MNADV partnered with the Women's Law Center as lead advocates on this bill. The Governor signed this bill into law.

Effective Date: October 1, 2022



ECONOMIC JUSTICE/HOUSING

SB 275: Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022)

MNADV POSITION: Support

SPONSORS: Senator Hayes

SUMMARY: Establishes the Family and Medical Leave Insurance (FAMLI) Program to provide up to 12 weeks of paid leave and will be administered by the Maryland Department of Labor. Types of leave covered include illness of oneself or to care for a family member, care for a newborn child or child newly placed for adoption, foster care or adoption, and certain circumstances related to a family member's deployment. Costs for the program are shared between employers and employees. Only employers with 15 or more employees must contribute to the fund. Payments will range from \$50 – \$1000 each week depending on the recipient's income.

NOTES: The General Assembly voted to override the Governor's veto of this bill during the legislative session, and it is now law. Cross-filed bill HB 8 sponsored by Delegate Valderrama did not receive a vote in the House Economic Matters Committee.

Effective Date: June 1, 2022 and January 1, 2023

HB 86/SB 6: Landlord and Tenant – Residential Leases – Tenant Rights and Protections (Tenant Protection Act of 2022)

MNADV POSITION: Support with amendments

SPONSORS: Delegate Stewart and Senator Waldstreicher

SUMMARY: Expands protections for victims and survivors of domestic violence and sexual assault seeking to terminate future liability under their residential leases. The bill expands which victims of crime are tenants qualified to seek relief under this provision by referring to the definition of abuse in the Family Law Article. It also expands the approved methods of documentation of the survivor's abuse to include reports by a "qualified third party" such as physicians, psychologists, and social workers as well as advocates from a domestic violence or sexual assault program.

NOTES: SB 6 passed with amendments and became law without the Governor's signature.

Effective Date: June 1, 2022

HB 571/SB 279: Access to Counsel in Evictions Special Fund - Alteration

MNADV POSITION: Support

SPONSORS: Delegate Rosenberg and Senator Hettleman

SUMMARY: Directs certain funds received by the Division of Consumer Protection to the Access to Counsel in Evictions Special Fund that is administered by the Maryland Legal Services Corporation.

NOTES: This bill is now law.

Effective Date: July 1, 2022

SB 662: Access to Counsel in Evictions Special Fund - Funding

MNADV POSITION: Support

SPONSORS: Senator Zucker

SUMMARY: Requires in Fiscal Year 2024 only that the Comptroller distribute \$14 million from the State's Unclaimed Property Fund to the Access to Counsel in Evictions Special Fund administered by the Maryland Legal Services Corporation.

NOTES: Cross-file HB 724 sponsored by Delegate B. Barnes did not receive a vote in the House Judiciary Committee. This bill is now law.

Effective Date: July 1, 2022

IMMIGRATION

HB 1080: Maryland Medical Assistance Program - Children and Pregnant Women (Healthy Babies Equity Act)

MNADV POSITION: No position

SPONSORS: Delegate Pena-Melnyk

SUMMARY: Requires Medicaid to provide medical care to noncitizen pregnant women who would be eligible for Medicaid but for their immigration status and to provide medical care for their children up to the age of one.

NOTES: Cross-file SB 778 sponsored by Senator Lam passed out of the Senate but did not move in the House.

Effective Date: July 1, 2022

PUBLIC SAFETY

HB 425/SB 387: Public Safety – Untraceable Firearms

MNADV POSITION: Support

SPONSORS: Attorney General Frosh, Delegate Lopez, Senator Lee

SUMMARY: Bans "ghost guns" and prohibits a person from purchasing, receiving, selling, offering to sell, or transferring an unfinished frame or receiver unless it is required by federal law to be, and has been, imprinted with a serial number by a federally licensed firearms manufacturer or federally licensed firearms importer in compliance with all federal laws and regulations applicable to the manufacture and import of firearms.

NOTES: This bill became law without the Governor's signature,

Effective Date: June 1, 2022

SB 134: Maryland Police Training and Standards Commission – Training Requirements – Electronic Stalking

MNADV POSITION: Support with amendments

SPONSORS: Senator Lee

SUMMARY: Requires entrance-level police training and in-service training at least every 3 years on the criminal laws of stalking as they relate to electronic tracking or surveillance. It also requires training on services available to victims of stalking including prevention methods for victims.

NOTES: The Governor signed this bill into law.

Effective Date: October 1, 2022

INTERSECTIONAL AREAS OF LAW

HB 270/SB 91: Business Regulation – Innkeepers – Maintenance of Guest Records and Employee Human Trafficking Awareness Training and Policy

MNADV POSITION: Support

SPONSORS: Delegate Ebersole and Senator Jackson

SUMMARY: Requires an innkeeper establish and maintain a computerized record-keeping system of all guest transactions and receipts that must be retained for 6 months. Further states that there shall be an educational and training programs for the accurate and prompt identification and reporting of suspected human trafficking. In addition, there shall be a procedure established by an innkeeper for reporting potential instances of human trafficking.

NOTES: This bill became law without the Governor's signature.

Effective Date: October 1, 2022

HB 937: Abortion Care Access Act

MNADV POSITION: Support

SPONSORS: Delegate Kelly

SUMMARY: Establishes the Abortion Care Clinical Training Program to protect access to abortion care and ensure there are sufficient health professionals to provide abortion care. Requires a \$3.5 million appropriation in the Governor's budget for the program. Expands who can perform abortions in Maryland to include nurse practitioners, nurse midwives and physician assistants. "Qualified Provider" is defined as an individual who is licensed, certified, or otherwise authorized by law to practice in the State and for whom the performance of an abortion is within the scope of the individual's license or certification. Requires Medicaid to provide coverage for abortion care services and private insurance plans with limited religious or legal exemptions must cover abortion care services without a deductible, coinsurance, copayment, or any other cost-sharing requirement.

NOTES: The General Assembly overrode the Governor's veto of this bill during the legislative session and this bill is now law.

Effective Date: July 1, 2022

VETOED BY THE GOVERNOR

SB 384: Landlord and Tenant – Stay of Eviction Proceeding for Rental Assistance Determination

MNADV POSITION: Support

SPONSORS: Senator Hettleman

SUMMARY: Provides that in a failure to pay rent action, if a tenant presents satisfactory evidence that the tenant is currently awaiting a determination regarding the tenant's good faith application for rental assistance, the court must either stay any proceedings until a determination is made on or stay the execution of any warrant of restitution or surrender of property until the renter's applications is decided.

NOTES: Cross-file HB 674 sponsored by Delegate Stewart passed out of the House but did not move in the Senate. This was an emergency bill and remains law until September 30, 2025. The Governor vetoed this bill.

SB 819: Governor's Office of Crime Prevention, Youth, and Victim Services - Executive Director - Appointment

MNADV POSITION: Support

SPONSORS: Senator Hettleman

SUMMARY: Establishes the Abortion Care Clinical Training Program to protect access to aRequires the Governor to appoint the Executive Director of the Governor's Office of Crime Prevention, Youth, and Victim Services with the advice and consent of the Senate.

NOTES: This bill awaits action from the Governor. The legislation is based upon a recommendation from the report on GOCPYVS from the Office of Program Evaluation and Government Accountability.

BILLS THAT FAILED

CIVIL LAW AND FAMILY LAW

HB 338: Child Abuse and Neglect - Definition of Neglect

MNADV POSITION: Support

SPONSORS: Delegate Lopez

SUMMARY: Alters the definition of neglect to clarify that it is not child neglect if a victim of domestic violence does not leave an abusive relationship, obtain a protective order, or report the domestic violence to law enforcement or the local Department of Social Services.

NOTES: This bill did not receive a vote in the House Judiciary Committee.

HB 639: Family Law - Grounds for Divorce

MNADV POSITION: Support

SPONSORS: Delegate Atterbeary

SUMMARY: Simplifies the grounds for divorce by enabling parties to obtain a divorce based on having "irreconcilable differences" or having a 6-month period of separation which could include the parties residing in the same home.

NOTES: This bill passed out of the House but did not receive a vote in the Senate Judicial Proceedings Committee.

HB 887:Domestic Violence – Protective Orders – Status Hearings

MNADV POSITION: Support

SPONSORS: Delegate Bartlett

SUMMARY: Creates an additional mechanism to access courts while a final protective order is in effect and request the court hold a hearing and address any ongoing issues related to the protective order.

NOTES: This bill did not receive a vote in the House Judiciary Committee.

CRIMINAL LAW AND CRIMINAL PROCEDURE

HB 110/SB 429: Criminal Law – Stalking – Penalties

MNADV POSITION: No position

SPONSORS: Delegate Shetty and Senator Lee

SUMMARY: Enhanced penalties for stalking and made it a felony if a person is convicted of stalking a person who had a protective order in effect at the time of the stalking or the person had previously been convicted of stalking.

NOTES: This bill was withdrawn by the sponsor in the House and did not receive a vote in the Senate Judicial Proceedings Committee.

HB 153/SB 33: Criminal Law – Sexual Crimes – Repeal of Spousal Defense

MNADV POSITION: Support

SPONSORS: Delegate Crutchfield and Senator Lee

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

NOTES: Different versions of this bill passed out of the House and the Senate. An agreement was reached through a conference committee, but the bill ran out of time on Sine Die.

HB 1418: Marriage – Confidential Communication – Criminal Charge

MNADV POSITION: Support with amendment

SPONSORS: Delegate R. Jones

SUMMARY: Modifies confidential communications to enable but does not require a victim who is married to the defendant to testify regarding marital confidential communications including those related to the alleged crime.

NOTES: This bill was introduced late during the session and did not receive a vote in the House Judiciary Committee.

ECONOMIC JUSTICE/HOUSING

HB 323: Real Property – Limitations on Summoning Law Enforcement or Emergency Services – Prohibition

MNADV POSITION: Support

SPONSORS: : Delegate Palakovich Carr

SUMMARY: Prohibits a landlord from using a lease or form of lease that contains provisions that limits a tenant's ability to summons police. It further prevents a landlord from penalizing or taking retaliatory action against a tenant or another individual solely for summoning the assistance of law enforcement or emergency services. Prohibits a local jurisdiction from enacting laws or ordinances known as nuisance laws, that establishes a threshold of requests to summons law enforcement or emergency services or penalizes for summoning law enforcement or emergency services.

NOTES: This bill passed out of the House with amendments but did not receive a vote in the Senate Judicial Proceedings Committee.

IMMIGRATION

HHB 114/SB 129: Access to Counsel in Immigration Proceedings Program

MNADV POSITION: Support

SPONSORS: Delegate Williams and Senator Hettleman

SUMMARY: Establishes the Access to Counsel in Immigration Proceedings Program to be administered by the Maryland Legal Services Corporation to provide access to legal representation for certain covered individuals who are detained in the United States facing possible deportation proceedings. The covered individuals include Maryland residents detained in the United States and not represented by counsel that earn below a set threshold.

NOTES: This bill did not receive a vote in either the House Judiciary Committee or the Senate Judicial Proceedings Committee.



PUBLIC SAFETY

HB 676: Handgun Permits – Qualifications – High-Risk Occupations

MNADV POSITION: Oppose

SPONSORS: Delegate Hartman

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: This bill did not receive a vote in the House Judiciary Committee.

HB 871/SB 338: Handgun Permit – Preliminary Approval

MNADV POSITION: Oppose

SPONSORS: Delegate Saab and Senator Hough

SUMMARY: Permits an applicant to wear, carry or transport a firearm for up to four months or 120 days with no safety training.

NOTES: This bill was passed out of the Senate but did not receive a vote in the House Judiciary Committee.

SB 456: Firearms – Handgun Qualification License – Firearms Orientation Component

MNADV POSITION: Oppose

SPONSORS: Senator Bailey

SUMMARY: Removes the training requirement that a firearm owner demonstrate the ability to safely operate and handle a firearm.

NOTES: This bill did not receive a vote in either the Senate Judicial Proceedings Committee.

INTERSECTIONAL AREAS OF LAW

HB 165: Education – Sexual Abuse and Assault Awareness and Prevention Program – Human and Sex Trafficking

MNADV POSITION: Support with amendment

SPONSORS: Delegate Johnson

SUMMARY: Requires certain schools including public schools to develop and implement a program of age-appropriate education on the awareness and prevention of sexual abuse and assault that includes, for students in grades 6 through 8, material promoting the awareness and prevention of human and sex trafficking.

NOTES: This bill passed out of the House but did not receive a vote in the Senate Education, Health, and Environmental Affairs Committee

HB 194: Education – Family Life and Human Sexuality Curriculum – Sexting

MNADV POSITION: Support

SPONSORS: Delegate Shetty

SUMMARY: Requires a county board of education to provide age-appropriate instruction on the risks of sexting as part of the Family Life and Human Sexuality curriculum in every grade in which the curriculum is taught in public schools in the county, beginning in the 2022-2023 school year.

NOTES: This bill passed out of the House but did not receive a vote in the Senate Education, Health, and Environmental Affairs Committee.

HB 251: Consumer Protection – Maryland Consumer Reporting Act – Registration of Consumer Reporting Agencies and Regulations

MNADV POSITION: Support

SPONSORS: Delegate Palakovich Carr

SUMMARY: Requires that records reported by consumer reporting agencies be accurate and requires them to develop a system to ensure the validity and accuracy of the information they report.

NOTES: This bill was referred to an interim study by the Economic Matter Committee.

HB 549: Criminal Procedure – Criminal Injuries Compensation Board – Victim Compensation

MNADV POSITION: Support

SPONSORS: Delegate McKay

SUMMARY: Increases the amount of maximum compensation that may be awarded by the Criminal Injuries Compensation Board for psychiatric, psychological, or mental health counseling from \$10,000 to \$45,000.

NOTES: This bill did not receive a vote in the House Judiciary Committee.

HB 833/SB 768: Criminal Law – Victims of Child Sex Trafficking and Human Trafficking – Safe Harbor and Service Response

MNADV POSITION: Support

SPONSORS: Delegate Lierman and Senator Lee

SUMMARY: Creates a Safe Harbor for child victims of sex trafficking for prostitution and a small number of non-violent misdemeanor offenses committed as a direct result of their victimization. Outlines the process for law enforcement when they encounter a child victim of trafficking and the proper systems response as well as a hearing procedure for courts when any party raises that a qualifying offense was committed as the direct result of trafficking.

NOTES: This bill passed the House and Senate JPR committees although there were several amendments added in the Senate. A resolution was reached on the bill on Sine Die through a conference committee, but the bill ran out of time and did not pass.

HB 1171: Declaration of Rights – Right to Reproductive Liberty

MNADV POSITION: Support

SPONSORS: Speaker Jones

SUMMARY: Proposes an amendment to the Maryland Constitution that would require approval by voters at the next election and would establish that a central component of an individual's right to liberty and equality includes the fundamental right to reproductive liberty.

NOTES: This bill passed the House and did not receive a vote in the Senate Finance Committee.

SB 31: Public Information Act – Inspection of Records From Body–Worn Digital Recording Devices

MNADV POSITION: Support

SPONSORS: Senator Sydnor

SUMMARY: Limits 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. It did not receive a vote in the House Judiciary Committee..



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