



## **2017 DOMESTIC VIOLENCE LEGISLATIVE AGENDA**

### **MNADV Priority Legislation - SUPPORT**

**↑ HB 498/SB 562 Health Care Decisions Act – Advance Directives and Surrogate Decision Making – Disqualified Individuals**

Primary House Sponsor: Delegate Shelly Hettleman

Primary Senate Sponsor: Senator Delores Kelley

This bill would prohibit certain individuals from serving as a surrogate decision maker or health care agent for the purpose of making health care decisions for a patient if they are the subject of an interim, temporary or final protective order for that patient or if the individual is the spouse of a patient with a separation agreement or who has filed for divorce. Patients would be persons eligible for relief for a protective order. The goal is to prevent an abuser (spouse, intimate partner, family member, guardian) from making health care decisions for someone they have abused and who may have caused the patient's injuries.

***PASSED by both the House and the Senate. Sent to the Governor.***

**HB 294/SB 224 Conviction of a Disqualifying Crime – Probation Before Judgment – Second Degree Assault**

Primary House Sponsor: Delegate Kathleen Dumais

Primary Senate Sponsor: Senator Susan Lee

This bill would ensure that people who have received a Probation Before Judgment (PBJ) in a criminal court case for second degree assault for a domestically-related crime cannot retain their firearms. This change would correct an inconsistency in the current law. This legislative proposal came out of a Family Violence Council workgroup that included a broad diversity of advocates and criminal justice stakeholders.

***HB 294 passed the House and passed second reader in the Senate. Special ordered (on hold) by Senator Zirkin until 4/7/17.***

## **Other Domestic Violence Bills of Interest - SUPPORT**

### **HB 293/SB 274 Family Law – Divorce – Domestic Violence Order**

Primary House Sponsor: Delegate Kathleen Dumais

Primary Senate Sponsor: Senator Victor Ramirez

This bill would repeal a provision that made an order or a decision in a domestic violence proceeding inadmissible as evidence in a divorce proceeding. This would allow the admission of a protective order as evidence in a divorce case. The bill would also repeal a provision prohibiting a court from considering compliance with a domestic violence order as grounds for granting a decree of limited or absolute divorce. It would allow the court to consider such evidence.

***HB 293 passed House. Sent to Senate Judicial Proceedings Committee.***

***SB 274 passed Senate JPR and Senate with amendments. Sent to House Judiciary Committee.***

### **HB 318/SB 467 Public Safety – Firearms Disqualification – Antique Firearm**

Primary House Sponsor: Delegate Aruna Miller

Primary Senate Sponsor: Senator Brian Feldman

This bill would add antique firearms to the list of regulated firearms (e.g., handguns, rifles, shotguns) that cannot be possessed if convicted of a disqualifying crime. This would include respondents in protective orders.

***Hearing on HB 318 on March 14, 2017 in House Judiciary Committee. No vote.***

***Hearing on SB 467 on March 8, 2017 in Senate Judicial Proceedings Committee. No vote.***



### **HB 429/SB 217 Criminal Law – Sex Offenses – Physical Resistance**

Primary House Sponsor: Delegate Kathleen Dumais

Primary Senate Sponsor: Senator Delores Kelley

This bill would establish that evidence of physical resistance by a victim is not required to prove that a sexual crime was committed.

***HB 429 passed House. Passed second reader in Senate.***

***SB 217 PASSED Senate and House.***

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### **SB 219/HB Criminal Procedure – Pretrial Release – Victim Protection**

Primary House Sponsor:

Primary Senate Sponsor: Senator Susan Lee

This bill would require a confidential supplement to an application for a statement of charges and a statement of probable cause to include a request by a victim or victim's representative for reasonable protections for a victim or the victim's family AND registration with VINE to inform the victim about the release of the defendant.

***Hearing on SB 219 on January 31, 2017 in Senate Judicial Proceedings Committee. No vote.***

**SB 524/HB Criminal Law – Crime of Violence in the Presence of a Minor – Repeal of Residence Requirement**

Primary House Sponsor:

Primary Senate Sponsor: Senator Susan Lee

This bill repeals the requirement that the crime be committed in a residence to convict a person of violating the prohibition against committing a crime of violence when the person knows or reasonably should know that a minor who is at least 2 years old is present.

***Unfavorable Report by Senate Judicial Proceedings; Withdrawn.***

## **Other Related Bills of Interest - SUPPORT**

**↑ HB 1/SB 230 Labor and Employment – Maryland Healthy Working Families Act**

Primary House Sponsor: Delegate Luke Clippinger

Primary Senate Sponsor: Senator Mac Middleton

This bill would require employers with 15 or more employees to the employees to earn a certain number of annual paid sick and safe days, including earning one hour of paid sick leave for every 30 hours worked, up to a maximum of seven days per year. The safe time component requires employers to allow survivors of domestic abuse or sexual assault to use paid sick leave to care for their health after these incidents or seek legal protections or new housing.

***HB 1 PASSED the House and the Senate. Sent to the Governor.***

**HB 508/SB 368 Child Custody – Legal Decision-Making and Parenting Time**

Primary House Sponsor: Delegate Kathleen Dumais

Primary Senate Sponsor: Senator Susan Lee

This bill was based on the recommendations of the Commission on Child Custody Decision-Making, which issued its final report in December 2014. The bill would codify in statute a list of factors which the court must consider in making custody and visitation decisions in the “best interest of the child.” There would be no presumption of joint custody, and each custody case would be evaluated based on the particular facts and circumstances of the case.

***Hearing on HB 508 on February 9, 2017 in House Judiciary Committee. No vote.***

***Hearing on SB 368 on February 14, 2017 in Senate Judicial Proceedings Committee. No vote.***

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NOTE: The MNADV generally opposes bills which reduce restrictions on firearms because of the strong nexus between firearms and domestic violence fatalities and serious injuries. The MNADV also generally opposes efforts to expunge domestic violence assaults, related crimes, and civil protective and peace orders from the court record as these provide evidence of the pattern of domestic abuse.

**For further information about the 2017 Legislative Agenda, contact:**

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**For information on bills, legislators, synopses, budget, etc.:**

Website: <http://mgaleg.maryland.gov> or call Legislative Services at 301-970-5200 or 410-946-5200

→ **NOTE:** *Committee votes* are now available online on the Maryland General Assembly website.

Look under the Documents section at the bottom of the bill information page.

When a committee vote is available a link is provided to the vote record in pdf format.

**Committee hearings and general sessions** may be accessed online through audio and/or video.

Check the Maryland General Assembly website for the headphone or video camera icon.

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 Network accomplishes this goal by providing education, training, resources, and advocacy to advance victim safety and abuser accountability.