



# Maryland Network Against Domestic Violence

## 2012 Domestic Violence Agenda Final Report

### **BILLS SUPPORTED BY MNADV MNADV Priority Legislation**

#### **HB 1074/SB 612 ▪ Criminal Law—First Degree Assault-Strangulation**

The proposed legislation would add strangulation to first degree, felony assault.

*Passed Senate. Chairperson of House Judiciary Committee failed to bring bill to a vote in the Committee.*

#### **HB 1146/SB 647 ▪ Domestically Related Crimes—Reporting**

This legislation would require that if a defendant is convicted of a crime or receives a probation before judgment, on the request of a state's attorney, the court shall determine whether a crime is domestically related. If the court determines that it is domestically related, that finding shall become part of the court record and reported to the Criminal Justice Information System Central Repository. A "domestically related crime" is a crime committed by a defendant against a victim who is eligible for relief under a protective order or who had a sexual relationship with the defendant within 12 months before the commission of the crime.

**PASSED** House and Senate.

#### **HB 769/SB 291 ▪ Unemployment Insurance—Coverage—Victims of Domestic Violence**

This legislation would allow a claimant for unemployment insurance to assert they left the employment for good cause if it is directly attributable to the individual's or individual's immediate family member being a victim of domestic violence.

**PASSED** House and Senate. Signed by Governor on April 10, 2012.

### **OTHER BILLS SUPPORTED BY MNADV**

#### **HB 8/SB 175 ▪ Crimes—Electronic Communication—Harassment**

The proposed legislation would prohibit the use of "electronic communication" with the intent to harass and establish penalties for violations.

**PASSED** House and Senate. Signed by Governor on April 10, 2012.

#### **\*HB 9 ▪ Education—Children and Youth—Reporting of Information Concerning Student Health, Well Being and Growth**

The proposed legislation would require each county superintendent of schools and the Department of Education to report specific information annually, including "the implementation of age-appropriate lessons on dating violence in the health education curriculum in the county."

*\*Passed, BUT elements related to dating violence deleted.*

#### **HB 17/SB 223 ▪ Crimes—Elder Abuse or Neglect—Increased Penalties and Restrictions on Pretrial Release**

The proposed legislation would alter the penalties for the crime of abuse or neglect of a vulnerable adult and prohibit pretrial release of a defendant charged with causing abuse or neglect of a vulnerable adult in the first or second degree or authorizing pretrial release with special conditions.

*Unfavorable reports in House Judiciary Committee and Senate Judicial Proceedings Committee. Bill withdrawn.*

#### **HB 168/SB 277 ▪ Human Relations—Housing Discrimination—Source of Income**

This legislation would prohibit landlords from denying housing to otherwise qualified candidates simply because of the applicant's legal source of income, such as child support, alimony, retirement benefits, and housing vouchers.

*Unfavorable reports in House Environmental Matters Committee and Senate Judicial Proceedings Committee. Bills withdrawn.*

#### **HB 453/SB 645 ▪ Courts and Proceedings—Criminal Injuries Compensation Fund—Court Costs**

This legislation would impose certain court costs if a defendant is sentenced to probation before judgment or pleads nolo contendere to a certain crime or offense. Would increase funds for the State Victims of Crime Fund, the Victim and Witness Protection and Relocation Fund, and the Criminal Injuries Compensation Fund.

*Unfavorable reports in House Judiciary Committee and Senate Judicial Proceedings Committee.*

#### **HB 664 ▪ Crimes—Committing a Crime of Violence in Presence of a Minor**

This legislation would prohibit a person from committing a crime of violence when the person knows or reasonably should know that a minor is present. Establishes penalties and sentencing.

*Passed House. Died on Senate floor.*

#### **HB 766/SB 572 ▪ State Government—Commemorative Days—Crime Victims and Advocates**

This legislation would require the Governor to proclaim April 3 as Crime Victim and Advocate Commemorative Day to honor the individuals in the state who have become crime victims and the advocates who serve those victims.

**PASSED** House and Senate.

#### **HB 883/SB 561 ▪ Family Law—Protective Orders—Additional Relief**

This legislation would authorize a judge in a final protective order to order a respondent to remain a specified distance away from the victim's residence, place of employment, school, or temporary residence.

*Favorable report in House Judiciary Committee. Unfavorable report in Senate Judicial Proceedings Committee.*

#### **HB 926/SB 673 ▪ Courts and Judicial Proceedings—Testimony by Convicted Perjurer**

This legislation would establish an exemption to the prohibition on a convicted perjurer from testifying if the testimony relates to events in which the person is an alleged victim.

*Unfavorable reports in House Judiciary Committee and in Senate Judicial Proceedings Committee.*

#### **HB 971/SB 462 ▪ Peace Order or Protective Order Petition—Respondent's Address**

This legislation would include a respondent's home or business address, if known, on a protective or peace order petition.

*Unfavorable reports in House Judiciary Committee and in Senate Judicial Proceedings Committee.*

#### **HB 1110/SB 863 ▪ Public Schools—Dating Violence—Kristen Marie Mitchell Law**

This legislation would add dating violence to "bullying, harassment, or intimidation." It would require reporting standards and forms, development and implementation of a model policy, procedures for reporting, and the development of educational programs.

*Unfavorable reports in House Ways and Means Committee and in Senate Education, Health, and Environmental Affairs Committee.*

#### **HB 1160 ▪ Family Law—Interim and Temporary Peace and Protective Orders—Duration**

This legislation would extend the duration of a temporary peace order or protective order if the court is closed on the day on which the temporary peace or protective order is due to expire. The temporary peace or protective order shall be effective until the next day on which the court is open.

**PASSED** House and Senate. Signed by Governor on April 10, 2012.



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(continued)

### **HB 1165 ▪ Commission on Child Custody Decision Making**

This legislation would establish a Commission on Child Custody Decision Making.

*No vote in House Judiciary Committee.*

### **HB 1235 ▪ Public Safety—Emergency Number System—Next Generation 9-1-1**

This legislation would establish planning guidelines for the next generation 911 system.

**PASSED** House and Senate.

### **HB 1282/SB 970 ▪ Creation of a State Debt—Prince George's County—Family Crisis Center Security System**

This legislation would authorize funding for a security system for the Family Crisis Center in Prince George's County.

*Unfavorable report in House Appropriations Committee. No vote in Senate Budget and Taxation Committee.*

### **SB 107 ▪ Criminal Law—Electronic Harassment—Penalties**

This legislation would prohibit a person from making an electronic communication with the intent to terrify, intimidate, or harass another person or place another person in reasonable fear of injury or physical harm.

*No vote in Senate Judicial Proceedings Committee.*

### **SB 122 ▪ Courts and Judicial Proceedings—Crime Victims and Witnesses Funds—Court Costs**

This legislation would increase certain costs imposed by a circuit court and the District Court for certain crimes and offenses. The funds would be deposited into the State Victims of Crime Fund, the Victim and Witness Protection and Relocation Fund, and the Criminal Injuries Compensation Fund.

*Unfavorable report in Senate Judicial Proceedings Committee.*

### **SB 168 ▪ Criminal Procedure—Victim's Compensation—Temporary Lodging for Domestic Violence Victims**

This legislation would make domestic violence victims eligible for monetary awards for temporary lodging for up to 14 days from the Criminal Injuries Compensation Fund.

*Passed Senate. Unfavorable report in House Judiciary Committee.*

### **SB 359 ▪ Domestic Violence—Persons Eligible for Relief and Orders to Vacate Home**

This legislation would expand the persons eligible for relief under a protective order to include individuals involved in intimate dating relationships or individuals who have had a sexual relationship with the respondent. The bill would also expand the instances in which a final protective order could order the respondent to vacate the home and award temporary use and possession of the home.

*No vote in Senate Judicial Proceedings Committee.*

### **SB 411 ▪ Criminal Procedure—Maryland Victim Information and Notification Everyday (VINE) Services Contact Information**

This legislation would require that correspondence or documents provided by the District Court to a victim or the victim's representative include information about VINE services.

*No vote in Senate Judicial Proceedings Committee.*

## **BILLS OPPOSED BY MNADV**

### **HB 45 ▪ Handgun Permits—Qualifications—Presumption and Burden of Proof**

This legislation would repeal the requirement that the state police find that an applicant for a handgun permit has a good and substantial reason to wear, carry or transport a handgun. Would transfer the burden of proof that an applicant does not have a substantial reason to the state police.

*No vote in House Judiciary Committee.*

### **HB 95 ▪ Criminal Procedure—District Court Commissioners—Arrest Warrants**

This legislation would prohibit a District Court Commissioner from issuing an arrest warrant based solely on an application for statement of charges filed by a person other than a law enforcement officer or state's attorney.

*No vote in House Judiciary Committee.*

### **\*HB 119 ▪ Criminal Procedure—Misdemeanors—Citations**

*(see bill below)*

### **\*SB 422 ▪ Criminal Procedure—Criminal Defendants—Citations and Appearances**

This legislation would expand the authority of a law enforcement officer to charge a person by citation to include any misdemeanor, except specified crimes of violence.

*House Judiciary Committee.*

**PASSED** House and Senate *(heavily amended)*.

### **HB 164/SB 216 ▪ Family Law—Marriage License and Ceremonies**

This legislation would repeal the requirement that a marriage license be issued by the clerk of the court in the county where the marriage is performed.

*Unfavorable reports in House Judiciary Committee and in Senate Judicial Proceedings Committee.*

### **HB 488 ▪ Public Safety—Handgun Permits—Repeal of Finding Requirements**

This legislation would repeal the requirement that the state police find that a person has a good and substantial reason to wear, carry, or transport a handgun before issuing a handgun permit to the person.

*Unfavorable report in House Judiciary Committee. Bill withdrawn.*

### **HB 652/SB 667 ▪ Criminal Records—Shielding—Nonviolent Convictions**

This legislation would require that court and police records relating to a conviction be shielded automatically at a specified time, depending on whether the conviction was for a misdemeanor (3 years) or a felony (5 years).

*Unfavorable reports in House Judiciary Committee and in Senate Judicial Proceedings Committee. Bill withdrawn.*

**For further information about the 2012 Legislative Agenda, contact:**

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

Website: <http://mlis.state.md.us> or call Legislative Services at 301-970-5200 or 410-946-5200

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