

Judiciary Committee

Subcommittees
Chair, Civil Law and Procedure
Criminal Justice

Parliamentarian
Maryland Legislative Black Caucus



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

2017 End of Session Letter

Dear Friends & Neighbors,

The 2017 Legislative Session of the Maryland General Assembly has just concluded and while some things my colleagues and I worked to accomplish fell short, I would describe this session as successful in many other ways. At the beginning of the session, I was appointed Chair of the Civil Law and Procedure Subcommittee, thus a member of the leadership of the Judiciary Committee and the Maryland House of Delegates.

As your delegate, I have an opportunity to help address individual concerns every day. In fact, much of our work done is focused on constituent services. During session, as well as when session is adjourned, much of our time is devoted to responding to your emails, telephone calls, and letters that express concerns regarding legislation, personal matters, and issues in the community. By way of example, my office was successful in responding to a constituent request to have a new bus shelter and bench installed at a bus stop on Ingleside in Catonsville. In addition, we have worked with a variety of state agencies to address constituent concerns like street racing on I-70, storm drain backups, trash dumping, MTA bus service, grass cutting along Route 40, and the maintenance of Western Star Cemetery. Raising these concerns have helped me to help you address our community's needs and this has been extremely helpful. I do not take any of this for granted.

Regarding legislation, this session I supported a variety of bills to help improve the lives of Marylanders. By way of example, [HB 100](#) is bipartisan legislation that will provide a \$15,000 income tax deduction on the retirement income of thousands of law enforcement, fire, rescue, and EMS personnel who are 55 years and older. Additionally, working with Governor Hogan, [SB 317](#), *The More Jobs for Marylanders Act*, provides \$10 million of income, sales, and property taxes per year to manufacturers who move into Maryland from out of State and create new manufacturing jobs in counties with high unemployment. The tax credits will be good for 10 years. The bill also allows existing manufacturers in the State who create new jobs to claim an income tax credit for each new job created, along with depreciation tax benefits for new equipment placed into service. Additionally, I supported [HB 1](#), the *Maryland Healthy Working Families Act*, which will allow over 693,000 Marylanders to no longer make an impossible choice: go

to work sick or send an ill child to school, or stay home and sacrifice much needed income – or worse, possibly lose his or her job. The bill requires employers that employ 15 or more employees to provide employees with earned sick and safe leave that is paid at the same wage rate as the employee normally earns. Under the bill, employees will be able to earn up to 5 days of sick leave. The bill exempts seasonal businesses and employers that already offers comparable benefits don't have to change a thing. Finally, I supported *the Prescription Price Gouging* bill, [HB 631](#), which authorizes the Attorney General to prevent the prescription drug price gouging of off-patent drugs. The legislation would help the Attorney General investigate why the prices for certain drugs skyrocket and would force pharmaceutical companies to the table to justify those increases.

I was also the primary sponsor on a number of bills that I believed would improve our district and the state of Maryland. Many ideas for bills I introduced this session were based in conversations I had with many of you. If I were to provide a theme to my legislative priorities in 2017, I would characterize the bills as community strengthening, consumer protecting, privacy seeking, and justice reform. I provide a sampling of some bills I introduced along with an overview of the budget and some budget items which directly affect our communities.

STRENGTHENING COMMUNITIES & PROTECTING CONSUMER

[HB 496](#) Baltimore County - Nuisance Actions - Community Association Standing. When I ran for office I expressed my desire to help address vacant and abandoned properties hurting our communities. I said "[If I get to Annapolis, I'll make certain there is a bill with a solution.](#)" This local Baltimore County bill was one of those bills introduced to remove some barriers impeding our community associations from keeping our communities nuisance free. HB 496 received a great deal of interest and support from community-based organizations, including testimony from the Liberty Road Community Council, an umbrella group for approximately 35 community organizations, Ingleside Neighborhood Association, and West Edmondale Community Association. Community leaders shared stories about vacant properties that have fallen into a state of disrepair; becoming eye sores and voiced their support for HB 496 as a tool they could use to resolve these situations.

After listening to community leaders at the bill's hearing our Baltimore County Delegation unanimously supported the bill. Unfortunately, the Environment and Transportation Committee voted [20-4](#) against the bill after receiving an unfavorable recommendation from its Housing and Real Property subcommittee. I will reintroduce

the bill again next session.

HB 469 Recordation and Transfer Tax - Principal Residence Surrendered in Bankruptcy – Exemption. This was another bill introduced to address concerns regarding vacant properties and protect consumers after an unfortunate foreclosure. HB 469 will permit homeowners who file for bankruptcy and abandon their interest in the property to record title solely to the lender and avoid recordation taxes (which were already paid between the lender and the borrower when the loan was taken out). HB 469 does not leave to the discretion of the lender when to change record title. It permits a small number of former homeowners to control the process so they can get a fresh start and help to get the properties back on the market. Local governments may also benefit as the mortgage lenders will have record title to the property and for this reason, will be responsible for maintaining the property in conformance with local laws. This bill was unanimously passed by the General Assembly, and now awaits the Governor’s decision.

HB 525 Maryland Mortgage Lender Law - Mortgage Lender – Definition. This bill was intended to close a loophole in the Maryland Lender Law and would have affirmed that a new group of mortgage companies—who buy defaulted mortgage debts—become licensed as mortgage lenders and subject to review by Maryland's Commissioner of Financial Regulation. Most in this new industry are backed by large hedge funds who are acquiring these mortgages at huge discounts and then moving quickly liquidate properties in some cases and in other cases they are walking away and creating zombie homes that negatively impact our communities and many others throughout the state.

Unfortunately, this bill was voted down [16-2](#) in the Economic Matters Committee. I plan to do additional work in this area and reintroduce a bill to address this problem next session.

HB 916 Motor Vehicle Insurance - Discrimination in Underwriting and Rating – Prohibitions. Insurance companies use a variety of factors that are unrelated to a person’s driving record to set their auto insurance rate, such as credit score, education, marital status, and occupation. According to the Maryland Consumer Rights Coalition (“MCRC”), someone with poor or moderate credit pays 40% more for auto insurance than they would if their credit were better, even though studies have shown that there is no relationship between credit and driving record. Currently, Maryland law allows insurance companies to use a number of non-driving related factors including credit, zip code, education, occupation, homeownership, sex, and marital status. These non-driving factors can drive up the cost of insurance by hundreds, and sometimes by more than one thousand dollars.

The bill as introduced was intended to limit auto insurance to consider driving factors rather than non-driving factors. However, the Economic Matters Committee amended the bill to prohibit insurance companies from increasing car insurance premiums for a policyholder, solely because of a change in their marital status. While the final bill did not address everything that the original bill sought, this was the first change in this area of the law since 2002 and according to MCRC, is believed to save, on average \$435, for an insured. This bill was unanimously passed by the General Assembly, and now awaits the Governor's decision.

RESPECT TO PRIVACY & JUSTICE REFORM

HB 1065 Task Force to Study Law Enforcement Surveillance Technologies. This bill was introduced to ensure that the public had some sort of input in balancing our privacy rights with law enforcement's need to use technology to serve our communities. The bill would have established a task force to review current and planned use of surveillance technologies such as cell-site simulators, facial recognition, and persistent aerial surveillance, as used in the Baltimore Metropolitan area, to name a few, throughout the State. The bill passed the House 134-2; however, while the Senate's Judicial Proceedings Committee held a hearing, the bill was never brought forth for the committee to vote on it. I plan to introduce such a bill again next session.

HB 917 Criminal Procedure - Cell Site Simulator Technology. This is the second year that I have introduced this legislation. After working with our Baltimore County State's attorney, law enforcement and advocates this summer, HB 917 was reintroduced to require law enforcement agencies to obtain a search warrant when they used a cell site simulator, known under the brand name "Stingray" or "Hailstorm."

HB 917 would have codified the Court of Special Appeals 2016 decision in [State v. Kerron Andrews](#) and treated law enforcement's use of cell site simulators as a search under the 4th amendment and attempted to ensure that law enforcement, except in certain defined situations, sought a warrant prior to using cell site simulators. The cell site simulator functions by transmitting as a cell tower. In response to the signals emitted by the simulator, cell phones in the proximity of the cell site simulator identify the simulator as the most attractive cell tower in the area and thus transmit signals to the simulator that identify the device in the same way that they would with a networked tower. When used to identify an unknown device, the cell-site simulator obtains signaling information from non-target devices in the target's vicinity for the limited purpose of distinguishing the target device.

In State v. Andrews, the Maryland Court of Special Appeals "conclude[d] that people have a reasonable expectation that their cell phones will not be used as real-time tracking devices by law enforcement, and—recognizing that the Fourth Amendment protects people and not simply areas—that people have an objectively reasonable expectation of privacy in real-time cell phone location information” and held “that the use of a cell site simulator requires a valid search warrant, or an order satisfying the constitutional requisites of a warrant, unless an established exception to the warrant requirement applies."

This bill was not moved on in Judiciary this year, with the intention that it would be studied within my HB 1065. I plan to reintroduce this bill next session.

HB 596 Procurement - Confidential Proprietary Information, Goods, or Services Provided to a Governmental Entity - Nondisclosure Agreement. This bill would have prohibited a governmental entity from signing a nondisclosure agreement that violates an individual’s right to privacy under the Fourth Amendment to the U.S. Constitution. The bill would have applied to all State agencies and political subdivisions. I ultimately withdrew the bill and will reconsider how to address this issue.

HB 767 Public Information Act - Inspection of Records from Body-Worn Digital Recording Devices. In our YouTube society, this bill would have prohibited police body camera footage from being disclosed if the footage:

- depicts a victim or information that could identify a victim of domestic violence;
- depicts a victim or information that could identify a victim of a rape or other sexual crime;
- depicts a victim or information that could identify a victim of abuse, except for a crime of hazing where the victim is an adult;
- depicts the death of a law enforcement officer that occurred in the performance of the officer’s duties; or
- did not result in (1) the arrest, attempted arrest, temporary detention, attempted temporary detention, search, attempted search, citation, death, or injury of an individual; (2) the use of force against an individual; or (3) a complaint or allegation of officer misconduct made against any law enforcement officer involved in the incident.

The bill passed the House 133-3; however, the Senate Judicial Proceedings Committee voted 8-2 against the bill.

HB 1148 Face Recognition Act. I worked with Georgetown Law’s Center on Privacy &

Technology on this bill, which would have been the first in the nation to establish procedures for the use of images and information obtain through “face recognition” technology. It would have also mandated that law enforcement obtain a court order authorizing the targeted use of face recognition devices and software. I ultimately withdrew this bill with the intention that it would be studied within my HB 1065.

HB 471 Juvenile Court – Jurisdiction. Currently, children aged 14-17 are automatically charged as adults if they are accused of committing any one of 33 offenses. According to the Maryland Department of Juvenile Services, 60% of youth charged as adults either have their cases dismissed or they’re waived to juvenile court. The harmful impact of automatically prosecuting youth as adults has resulted in increased recidivism (committing another crime once released) and an overwhelming barrier to their reentry into society. HB 471, cross-filed with Senator Delores Kelley, sought to have a limited number of these youth go directly into the juvenile justice system. After the Senate Judicial Proceedings Committee voted against the bill’s cross-file 6-5, HB 471 ultimately met the same fate and died.

HB 1233 Maryland Medical Assistance Program - Enhanced Security Compassionate Release Program. This bill, cross-filed with Senator Nathan-Pulliam, would have established an enhanced security compassionate release pilot program allowing terminally ill and medically incapacitated offenders to be released into nursing homes. This bill would have alleviated pressure from the state budget and helped elderly and infirmed inmates receive the care they need. I ultimately withdrew this bill, but plan on working on it again.

BUDGET UPDATES

I was concerned that the administration may not be taking public transportation as seriously as I would like when it pertains to access to jobs at the new TradePoint Atlantic facilities. Therefore, I had the following budget language included to ensure citizens of Western Baltimore County could access jobs at TradePoint Atlantic Sparrows Point: *“Sparrows Point is poised to become a major employment center for the Baltimore region. In order to maximize the economic benefits of this development, it is essential that adequate bus service to Sparrows Point be established so that residents from population centers in the Baltimore region, including Baltimore City and Western Baltimore County, have access to the jobs that will be created. The Maryland Transit Administration should develop routes and schedules that facilitate and support job growth at Sparrows Point.”*

Additionally, I raised concerns that the Governor’s budget reduced Baltimore Regional

Neighborhood Initiative funds from \$12 to \$3 million. As this money can be used by some communities in District 44B for redevelopment, I also expressed my concern to the Appropriations Chair and the committee amended the Governor's language in [HB 152](#), the Budget and Reconciliation Act of 2017, that reduced the fiscal 2018 mandate and repealed the mandated out-year funding for the Baltimore Regional Neighborhood Initiative and instead retained the full mandate and authorized the use of general obligation bond funds to meet the mandate in fiscal 2018 through 2022.

Highlights in the Capital Budget [HB 151](#)

[HB 1034](#) authorized the creation of a state debt to be used as a grant to the Board of Directors of the MSBC Five Star Program, Inc. and the Board of Trustees of Morning Star Baptist Church of Baltimore County for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Morning Star Family Life Center located in Woodlawn. The facility will provide a state of the art commercial kitchen for culinary training and food distribution, and workforce development, along with a community events space open to the entire community. The project received a \$150,000 bond grant.

Additionally, I co-sponsored [HB 1628](#) with Delegate Young. This bond bill provides a grant to the Board of Directors of the Maryland Council for Special Equestrians, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, site improvement, and capital equipping of the Maryland Council for the Special Equestrians facility, located in Catonsville. The project received a \$120,000 bond grant.

New Catonsville District Court House: The Maryland Consolidated Capital Bond Loan Program has allocated \$18,880,000 to continue construction of the new district court/multiservice center building being built on Johnnycake Road, near North Rolling Road. The new complex will include an on-site parking facility. I attended the groundbreaking on March 13, 2017 and am excited about what this project will do economically for the area. The estimated construction cost is \$54.5 million and the projected opening is March 2019.

Highlights in the Operating Budget [HB 150](#)

Maintains the State's Commitment to Public Schools: Under the committee's budget proposal, State support for public schools will be almost \$6.4 billion. Direct aid to local school systems will increase an estimated \$96.4 million, or 1.7%. The spending plan fully funds Thornton formulas and provides \$28.2 million of new funding for grants to school systems experiencing declining enrollment and/or providing full-day pre-kindergarten to

their four-year olds.

Continues to Provide Vital Health Care Services: Medicaid funding totals \$10 billion allowing the State to provide coverage to almost 1.4 million of our residents. Expenditures grow by about \$151 million to support enrollment and provider rate increases. The budget includes a \$16.5 million increase in dedicated funding responding to the opioid epidemic.

Provides Sufficient Funds to Cap Higher Education Tuition Increases at 2.0%: State support for Maryland's public four-year colleges and universities grows by \$32.7 million allowing undergraduate tuition rates to increase a modest 2.0%. Community colleges limiting tuition growth to 2.0% will share \$4.0 million in incentive payments.

Funds Rate Increases for Providers Serving Children and Vulnerable Populations: A 3.5% rate increase is funded for providers serving the developmentally disabled. Rate increases of 2.0% are funded for most other health and human service providers.

Baltimore County Totals: In FY 2018, Baltimore County will receive \$841.109 million in State Aid for Education, Libraries, Community College of Baltimore County, Health, Public Safety, Transportation and Recreation (Program Open Space). This is a 3.2% increase over FY 2017. Additionally, Baltimore County will receive over \$48.350 million in Public School Construction funding, over \$2.365 Million in funding for Capital Bond Projects and over \$4.565 million in Transportation Projects for State roads in Baltimore County. The Consolidated Capital Bond Loan allocated \$5,000,000 to Baltimore County Public Schools that was withheld by the Board of Public Works on May 11, 2016.

NOTABLE DISTRICT 44B STATE HIGHWAY PROJECTS

Crosby Road Bridge Replacement over I-695. The budget included \$3,627,000 for this project which will replace the bridge on Crosby Road over I-695. Originally constructed in 1961, the bridge is nearing the end of its useful service life. This project, funded for construction under the Investment in Highways and Bridges program, is aimed at addressing Maryland's structurally deficient bridges. Both lanes of traffic and at least one sidewalk will be maintained along Crosby Road during construction. The new bridge will accommodate future widening of I-695. Construction should begin in 2018 with anticipated completion in 2021.

Widening of I-695, from US 40 to Frederick Rd /MD 144. Despite some concerns raised by the Governor's press conference prior to the beginning of the session, the budget includes \$16,410 for this 4-year project whose construction phase began fall 2015 to widen I-695, from US 40 to Frederick Rd /MD 144 and provide a fourth lane on the outer loop. Additionally, the project replaces the Edmondson Avenue (Exit 14) and Ingleside Avenue bridges over the I-695 Outer Loop; constructs new retaining walls, new noise barriers and modifications to existing retaining walls and noise barriers. Weather and other construction factors permitting, the project is planned to be complete during summer 2019.

Triple-Level Bridges at I-70 and I-695 Interchange. The State Highway Administration, working cooperatively with Baltimore County, initiated the I-70 / I-695 Planning Study. SHA has an actively funded planning study, Project #BA0201, to replace/rehabilitate the existing interchange, along with various directional ramps, informally referred to as the "triple bridges" which are nearing the end of their useful life and will need to be replaced. Studies are being conducted to determine if the bridges should just be rehabilitated without adding capacity (going from one to two lanes) or whether the structures should be replaced. SHA is also trying to determine if the project can address congestion relief along with the structural concerns.

In conclusion, I want you to know how I truly value and appreciate the trust you place in me to represent you. I want to thank each of you for sharing what is important to you and our communities through your phone calls, emails, personal visits, and for your input when I see you around the district!

Best Wishes,

A handwritten signature in blue ink that reads "Charles".

Delegate Charles E. Sydnor III