

# REPORT FROM STATE CIRCLE

LEAGUE OF WOMEN VOTERS OF MARYLAND, INC.

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RSC No. 3, 2008

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## ELECTIONS

Delegate Myers and 18 other delegates have introduced **HB 1103 – Election Law – Periodic Audit of Statewide Voter Registration List**. This bill requires the State Board, in collaboration with local board of elections to conduct an audit of the statewide voter registration list on or before July 1 of each even numbered year to ensure the accuracy and currency of the voter records. Presently there are substantial regulations in place requiring procedures designed to provide a method by which

to periodically identify and, when appropriate, remove from the voter registry individuals who have become ineligible by reason of a change of address to a jurisdiction outside Maryland, including the mandated nonforwardable pre-election mailing of a specimen ballot to registered voters. The League will research the necessity of this additional requirement prior to the hearing scheduled for March 18<sup>th</sup>.

**HB 801 – Election – Voter Registration at the Polling Place and Voting on Election Day** has been introduced by Delegate Reznik. A hearing is scheduled in the Ways and Means Committee for February 28<sup>th</sup>. This bill allows a person to become a registered voter on Election Day by completing the voter registration application at his or her correct precinct and providing proof of residence in the precinct. The voter would be eligible to vote a regular ballot. The Maryland League has a position supporting a registration date set as close to the election as possible, consistent with technology that provides ballot security and makes the administration of the deadline cost effective. A report issued in December 2006 by the Attorney General and the State Board of Elections estimates that 15-50% of voters could register on Election Day, requiring additional precinct judges, and that states with Election Day Registration typically have higher voter turnout rates. There has been little evidence of multiple voting fraud in states where Election Day Registration is available, mainly because it is an easily detectable crime. The League will support this legislation.

A number of bills requiring proof of citizenship to register to vote or proof of identification to vote have been filed. The League opposes these additional voter registration requirements as impediment to the voting process and potentially discriminatory against particular segments of the voting population. Delegates

McDonough, Boteler, Impallaria, Kach, Kipke, and Shewell have filed **HB 884 – Voter Verification and Fairness Act**. The bill also requires a voter to show identification at the polls to vote, but does allow the voter to vote if he or she does not have the required identification. **HB 1855 – Election Law – Identification of Voters**, introduced by Del. Dwyer and 25 other delegates would require a voter to show a photo id or other document, including utility bill, bank statement, paycheck or government check showing name and address of the voter in order to be allowed to vote at the polls. **HB 1199 – Election Law – Voting Procedures – Identification**, by Delegate Dwyer and 18 other delegates, would require a voter to present photo identification at the polls in order to vote and if the voter could not produce the photo id, she or she would be required to sign an affidavit under penalties of perjury that the voter is validly registered. Hearings are scheduled in the House Ways and Means Committee on March 18 on these bills.

**HB 1170 – Election Law – Voter Fraud – Penalties**, introduced by Delegate King, increases from a maximum \$1,000 fine to \$7,000 fine and increases potential term of imprisonment from 5 years to 7 years as penalties for violating election laws, including voting under a false name, impersonating another in order to vote, voting more than once, and attempting to influence a voter’s decision through force, intimidation or bribery. The bill also adds a provision that a person who is convicted of voter fraud shall be permanently ineligible to be elected to any public office.

Delegates Rosenberg and Cardin have introduced **HB 565 – Elections – Voting Interference – Misuse of Telephone Facilities and Electronic Mail** which adds to the list of prohibited activities the use of email and telephone to prevent, obstruct or delay exchange of registration information and the use of email to prevent, obstruct or delay communications of election-related information, including candidate endorsement information, information regarding date and time of an election.

**HB 1291 – Election Law – Prerecorded Phone Messages – Sponsor Identification**, introduced by Delegates Jennings, Aumann, Boteler and Haddaway, would prohibit computer generated or automated pre-recorded telephone messages relating to a candidate or ballot question unless the message includes an “authority line,” information about who paid for the message.

Lu Pierson

## CHILDREN AND FAMILIES

This report will include some child welfare legislation not previously covered, but since it is not covered by other portfolios, will highlight the most important issues. Much of the following was obtained from Advocates for Children and Youth/Maryland Children’s Action Network) (ACY/MDCAN)

**SB 453, Foster care, Payment rates; Chair, Judiciary Ctte. by request from Dept. of Human Resources (DHR), ( Kasemeyer)**

Ties foster care rates to a USDA standard so that they automatically keep up with the cost of living. Hrg. 2/14/08, no action yet.

**HB 265, Family Law, Emergency placement of children—Criminal history record checks:**  
(Chair, Judiciary Ctte).

To assure that an instant criminal check of persons receiving placement of children is made, and that fingerprint check is also done expeditiously. Amendments offered by ACY/MDCAN.

Passed unanimously by House on third reading, 2/15/08. No Senate action

**HB 90/SB57, Permanency Planning & Interstate Placement of Foster Children;** (Chair, Judiciary Ctte).

Assures that kids in care are seen by a judge once per year & strengthens language designed to let caregivers come to court and speak about children for which they are caring.

Favorable report by Judiciary, 2/18/08. Senate, no action.

**HB 410, Child Neglect, Penalties,** (Dumais). Provides criminal penalties for child neglect. Hrg. 1/31/08, no action

**SB 243, Family Law, Child Care Centers: Child abuse/neglect, penalty and expanded list of professional reporters.** (Kelley et al).

Failure to report actions resulting in death or serious injury to child, requires suspension of license, etc., expands list of responsible reporters.

Favorable report 2/18/08, with amendments.

**SB 184, Family Law-Child Care Centers, Education, Health & Environmental Affairs.**

Requires immediate suspension of operations for child care center in the case of death or serious injury to child in care.

Hearing 2/15/08, passed third reading, unanimous.

**SB346, Family Law, Child Custody and Visitation, Military deployment,** (Shewell et al).

Child custody or visitation hearing involving parent on specific active military duty or order of the court, must be temporary and reference active duty.of parent.

Hrg. 2/14/08, no action.

The Governor's Children Cabinet is circulating a survey intended to improve collaboration among services for children and families. The **Child and Family Services Interagency Strategic Plan Survey**. The goal of the strategic plan is – the implementation of a coordinated interagency effort to develop a youth service system that can better meet the needs of youth and their families and target children who are at risk. Members of the community, providers, organizations, are encouraged to fill out the survey. It will be available until Feb. 29, 2008. Go to:

[http://www.surveymonkey.com/s.aspx?sm=8SkRBfcn0Cw\\_2bpRC\\_2fn1lcAQ\\_3d\\_3d](http://www.surveymonkey.com/s.aspx?sm=8SkRBfcn0Cw_2bpRC_2fn1lcAQ_3d_3d)

or call Alicia Church, at 301-610-0147, Mont. County Collaboration Council. We have had surveys in the past – maybe this one will work?

Pat Plunkett

## MARRIAGE EQUALITY

**HB 351 Religious Freedom and Civil Marriage Protection Act** submitted by Delegate Barnes and 39 other delegates repeals a provision that a marriage is only valid between a man and a woman in this State and establishes that a marriage is only valid between two people not otherwise prohibited from marrying in this State. Hrg. 2/28

**SB 290 Religious Freedom and Civil Marriage Protection Act** had a hearing in the Judicial Proceeding Committee on February 14<sup>th</sup>. It was introduced by Senator Richard Madaleno, Jr. Senator Jamie Raskin spoke in favor of the legislation as well as Attorney General Doug Gansler who stated that “it’s wrong to discriminate against any people because they think differently or because of their sexual orientation.” LWVMD submitted written testimony and appeared, along with 45 others, including civic leaders, clergy, parents of gay children and children of gay parents, ACLU of Maryland and Equality Maryland. Testimony was also heard on **SB 169 Maryland Marriage Protection Act** introduced by Senator Greenip, et al, which would amend the Maryland Constitution, establishing a valid marriage in this State as only between a man and a woman. The League opposes this legislation. Senator Greenip also introduced **SB 168 Covenant Marriage**. Testimony was heard on both of these bills as well.

Sherry Hyman

ecified animal and refrain from abusing the animal. Victims often flee with pets to shelters or fear leaving or reporting the respondent who has threatened or harmed the animal. Many shelters, in fact, now accept pets. This would extend protection.

**HB 1105 and HB 1106 (Dumais) Interim Protective Orders – Petitions Filed by Law Enforcement** – would require law enforcement officers to file a petition for an interim protective order with a Commissioner when an arrest is made in a DV case. A constitutional amendment is required to empower Commissioners to do this. The bill is controversial and has some technical problems to solve. However, a hearing this year would provide a 2-year window to “tweaking” so it can pass in time for the necessary Constitutional amendment to be voted in 2010. (Hrng. 2/21 JUD)

**HB 980 (Malone) – Criminal Law – Substantive Crimes – Assault by Burning.** JUD, 2/21). Well, here’s a no brainer! The bill would make assault by buning to willfully and maliciously set fire or burn another person a crime! It adds this act to the list of crimes of violence. Great!

On the subject of firearms, we must mention that a number of “gun” bills are high on the list of DV advocates including two or three mentioned in RSC 2. Advocates do not support **HB 659 – DV – Temporary Protective Order – Additional Relief** (Waldstreicher/Levi) because this bill is extremely specific and brings into it the Second Amendment (red flag!). Advocates are wary that the bill connects the surrender of firearms and abuse: they want a probably cause standard to remove firearms to prevail, not a “reasonable standard” that violence would occur. As in the case of bills reported in RSC 2, authorizati on to seize weapons is not mandatory which will continue to cause confusion for the police and the court.

Another firearms bill of interest to DV advocates **SB 586 (Gladden, McFadden) / HB 849 (Anderson) – Public Safety – Restriction of Possession of Firearms – Conviction of Disqualifying Crimes and Protective Order Respondent** – would prohibit possession of any firearm by a respondent of a final Protective Order or disqualifying crime. This bill does exactly what advocates want which means it has probably won’t pass. (SB 586 hearing 3/6 JPR.)

*Carol Sures*

## EDUCATION

In addition to the two bills described in RSC #2, Delegate Stein et al have introduced another bill to prohibit bullying and harassment. **HB 732 - Bullying, Harassment and Intimidation - School Policy** would require school boards to establish a policy prohibiting these actions as defined in the bill. Boards would have to develop educational programs for students, staff, volunteers and parents, collect data on their experiences and conduct an annual survey of the school climate. Provisions of a model policy are also delineated, including definitions, procedures for reporting and investigating bullying acts, and consequences for violating this policy. (Hrg:2/20) **HB 592 - Education - Student Behavior Interventions - Use of Time Out, Restraint and Seclusion** (Kaiser et al) would prohibit public and nonpublic schools from using specified physical restraints and would require all schools to have a written policy specifying how students can communicate distress non verbally. (Hrg: 3/11)

Two bills, **HB 1158 - Safe Schools Reporting Act** (Stein et al) and **HB 1209 - Safe Schools Reporting Act of 2005 - Sunset Repeal** (Simmons) would repeal the termination of this act, which has required school boards to report incidents of harassment or intimidation to the State Department of Education (SDE). The law, as now written, would expire on June 30, 2009. HB 1158 also adds school staff members as persons authorized to report these incidents. Up to now only students, parents or guardians were so authorized. (Hrgs: 3/19)

**HB 920/SB 519 - Education - Student Who is a Victim of Violent Crime - Option to Require Offender to Change Schools** (Doory & Vallario/Stone/Miller) would require a school superintendent to transfer either the victim of a violent school-based crime or the offender, unless he/she has been expelled, to another public

elementary, secondary or charter school in the local school system. **SB 582 - Education - Multiple Suspensions** (Jones et al) is a crossfile of **HB 139** (RSC #2) (Hrgs: HB 920 on 3/19; SB 519 and SB 582 on 2/26)

Several filed bills would place mandates or, at least strong directives, on local school systems. **HB 1148 - Public School Vending Machines - Nutritional Foods and Beverages** (Kaiser) would require school boards to adopt a policy on vending machines with a long list of nutritional requirements, including a prohibition on student access to vending machines with foods of “minimum nutritional value” (USDA definition) from midnight until the close of school each day. During lunch period students could have access if at least 50% of food and drink options were nutritious and met other standards in the bill. Schools would also be limited in contracts permitted with vendors.(Hrg: 3/19) If **HB 837 - Classroom Placement - Multiple Birth Children - Parental Discretion** (King et al) passed, school boards could not adopt a classroom placement policy that automatically either separated or placed together multiple birth children. The bill’s goal is to give more discretion to parents for placement of twins, triplets, etc.(Hrg:3/19) **HB 841 - Public Secondary Schools - Fall Sports Season - Practice Sessions** (Myers et al) would prohibit high schools from starting practice for fall sports more than two weeks before the first day of school each year.(Hrg: 3/11)

Three bills are directed at assuring students cannot graduate without achieving a certain level of financial literacy. Companion bills **HB 1271/SB 714 - State Board of Education - Development of Curriculum Content - Financial Literacy** (Stein/Klausmeier et al) would require all high school students to take a financial literacy course developed by the SDE , including eleven topics delineated in the bill. (Hrg: HB 1271 on 3/4) **HB 1242 - Task Force to Study How to Improve Financial Literacy in the State** (Stein et al) would achieve the goal more slowly by directing the Governor and legislative leaders to appoint an 18 member task force to study how to improve financial literacy in the state and make recommendations to the Governor and General Assembly by December 1, 2008 for improving the average consumer’s lack of financial knowledge and whether it would be useful to mandate financial literacy education in the public schools. (Hrg: 3/4) **HB 953 - High School Dropouts - Alternative Education Programs and GED Requirements** (Hixson et al) (Hrg: 3/4)is a cross file of SB 264 (RSC #2).

For many years the issue of how to count the number of students in each school system has been a controversial issue. The count is a critical factor in determining how much state aid goes to each jurisdiction. The practice in Maryland has been to count the number of students enrolled on September 30 of each school year. Periodically, an alternative used by some other states is recommended for Maryland. **HB 738 - State Aid for Education - Full-Time Equivalent Enrollment - Calculation** (Stocksdale et al) would require school systems to use one of the other methodologies - average daily attendance of students during the previous school year - as their student count for financial aid. (Hrg: 2/19)

**SB 787 - Education - High School Assessment Requirement** is a cross file of **HB 520** in RSC #2. Hearings have been scheduled as follows for bills described in RSC #1 or #2: HB 185, HB 186, HB 188, HB 403 in HGO on 2/19; HB 199, HB 206, HB 732 on 2/20; SB 436 and SB 447 on 2/26; HB 696 on 2/27; HB 1242, HB 1271 on 3/4; HB 49, HB 192, HB 519, HB 520, on 3/5; HB 21, HB 121, HB 465, HB 503, HB 592,

\*Hearings on House Education bills are in the Ways & Means Committee unless otherwise specified; Senate Education bills are in the Education, Health and Environmental Affairs Committee.

### **Adult Literacy**

In the past, Adult Education bills have not been included in RSC, but because the LWVMD adopted a study last spring entitled “Adult Literacy and Fluency Education in Maryland,” we are covering several bills related to this issue. The Speaker of the House and the President of the Senate have introduced Administration bills that would transfer basic responsibility for oversight of adult education from the State Department of Education to the Department of Labor, Licensing and Regulation. **HB 367/SB 203 - DLLR - Consolidation of Workforce Development Functions - Transfer of Adult Education and Literacy Services and Educational Programs for Correctional Facilities** would make adult education part of the Division of Workforce Development

because so many workers need these services. A Workforce Creation and Adult Education Transition council will work to ensure a seamless merger of current adult education and literacy programs with the state's workforce development and job training programs. Competitive grants will continue to be distributed to local education agencies. (Hrgs: HB 367 on 2/20; SB 203 on 2/14) See also **Corrections**.

**HB 978/SB 647 - Education - Funding Formula for Adult Education and Literacy Grants** (Hixson et al/Kasemeyer et al) would establish a formula for funding adult literacy programs similar to the Thornton funding formula for K-12 education. Phased in funding would increase statewide from about \$8 million to nearly \$24 million by FY 2013. Similar proposals failed in past sessions. (Hrgs: HB 978 on 3/18; SB 647 on 2/27 in B&T) Senators Pugh and McFadden have introduced SB 773 - State Department of Education - Adult Education and Family Literacy Services to require SDE to compile a list of adult education and literacy services offered to the public in each county.

Lois Stoner

## CAMPAIGN FINANCE REFORM

Senator Dyson has introduced **SB 755—Slot Machine Gaming Referendum—Campaign Finance Reports by Corporations**. The bill provides that a corporation that spends a total of more than \$10,000 in promoting or opposing the “slots” referendum must, within 7 days, file a detailed report of those expenditures.

Bills have recently been introduced on two issues discussed in previous RSCs. They are: Cross-filed bills **HB 971/SB 245—Public Financing of Campaigns for the General Assembly**—have been introduced and will be heard by W&M on February 26 and EHEA on February 27. HB 971 is sponsored by **Delegate Cardin** and 38 others; SB 245 is sponsored by **Senator Pinsky** and 9 others. The League will testify in support of both bills (RSC 1, 2).

### Hearing status of other previously reported bills:

HB 138---heard by W&M on 1/30 (RSC 1,2); HB 153---heard by W&M on 2/14 (RSC 1,2); HB 296---W&M 2/26 (RSC 2); HB 347---W&M 2/26 (RSC 2); HB 473---W&M 3/19 (RSC 1,2); HB 544---W&M 2/26 (RSC 2) SB 245—EHEA 2/27 (RSC 1,2); SB 423---B&T--no hearing scheduled (RSC 2)

Kay Terry

## ETHICS

**SB 190 and SB 191—Financial Disclosure—Electronic Filing and Electronic Filing Under Oath or Affirmation**—were introduced by **Senator Conway**, Chair, EHEA, at the request of the State Ethics Commission. SB 190 passed Second Reading but was recommitted to EHEA at Senator Conway's request. SB 191 passed the Senate and has been assigned to Environmental Matters in the House.

**Delegate Howard**, et al, have introduced **HB 755—Complaints—Copy to Legislator**—which will require the Joint Committee on Legislative Ethics to provide a copy of any complaint to the subject. Personal identifiers of the complaint will be redacted. The bill will be heard by Environmental Matters on 2/20.

Kay Terry

## AFFORDABLE HOUSING AND MEETING BASIC HUMAN NEEDS

As mentioned in RSC 2-08, HB512/SB302 Maryland Affordable Housing Investment Fund (McIntosh et al/ Conway) is the legislative priority of the Maryland Affordable Housing coalition of which the LWVMD is a member. The bill is scheduled for a joint hearing in EHEA and Budget and Taxation February 27th, and a joint hearing in Environmental Matters and Ways and Means on February 28th. The modifications to this bill that were discussed in the last issue of RSC will be corrected at the time

of the hearing. The LWVMD will submit testimony and may testify in support of the bill (acknowledging that we support the creation of program structure this year even if the funding source can not be approved this year).

Legislation to address foreclosures and subprime lending is a priority for the administration and individual legislators. Governor O'Malley's legislative package includes 4 bills:

**SB216/HB365** Recordation of instruments securing mortgage loans and foreclosure of mortgages and deeds of trust on residential property (Pugh and the President et al for the administration/The Speaker et al for the administration). This bill prohibits foreclosures from being filed until 90 days after default and 45 days after notice to foreclose is sent and it requires personal service of the foreclosure notice.

**SB217/HB360** Maryland Mortgage Fraud Protection Act (The President et al for the administration/The Speaker et al for the administration). This bill prohibits mortgage fraud and authorizes investigation and prosecution of mortgage fraud.

**SB218/HB361** Protection of homeowners in foreclosure-prohibition on foreclosure rescue transactions-enforcement (The President et al for the administration/The Speaker et al for the administration). This bill regulates foreclosure consultants and the fees they can charge.

**SB270/HB363** Credit regulation- mortgage lending and other extensions of credit (The President et al for the administration/The Speaker et al for the administration). This bill prohibits prepayment penalties on certain subprime loans and prohibits these loans without the lender giving due regard to the borrower's ability to repay the loans.

These 4 bills are being fast-tracked, they have all had hearings in the Senate, and will all be heard in Economic Matters on February 21st. There are 4 addition bills on this subject that have been introduced in the Senate and 6 additional bills that have been introduced in the House. All of these bills address a very serious situation and appear to have merit. Attached is a chart showing the number of foreclosures by county for the 4th quarter 2007.

<b>Jurisdiction</b>	<b>Number of Foreclosures</b>		
Allegany	73	Harford	284
Anne Arundel	683	Howard	238
Baltimore	1028	Kent	23
Baltimore City	1268	Montgomery	1310
Calvert	183	Prince George	2732
Caroline	58	Queen Anne	60
Carroll	132	St.Mary's	54
Cecil	123	Somerset	109
Charles	411	Talbot	27
Dorchester	49	Washington	270
Frederick	372	Wicomico	131
Garrett	28	Worcester	77
		total	9723

**HB2161** Housing-Discrimination Based on Source of Income – Prohibitions (Hucker et al) will be heard in Environmental Matters on March 14th. This bill was introduced in 2007 as SB934. Several counties currently prohibit discrimination based on source of income in the rental of housing, and for many years, housing advocates have sought to have this prohibition on a statewide basis. This would require that prospective tenants whose income comes from such sources as alimony, disability payments, and government rental assistance be considered on the same basis as other prospective tenants. This prohibition would not apply to landlords owning four or fewer units. The LWVMD supports this legislation.

*Ruth Crystal*

## **JUSTICE**

### **Death Penalty**

Death Penalty repeal legislation has now been filed in both the House and Senate, with 56 Delegates co-sponsoring, up from 43 last year; and 16 Senators, up from 13 last year. Overall, six bills related to the Death Penalty have been filed to date. Senate hearings are scheduled before the Judicial Proceedings Committee March 6, 1 p.m. The House bills will be heard by the Judiciary Committee, March 13 at 1 p.m.

**SB 645** (Gladden et al) *cf* **HB 1328** (Rosenberg et al) would repeal the death penalty; substituting life in prison without possibility of parole; repeal all procedures and requirements related to the death penalty; and provide that inmates who have been sentenced to death may not be executed and shall be considered as having been sentenced to life in prison without possibility of parole. LWVMD and LWVUS support repeal legislation.

**SB 614** (Raskin) *cf* **HB 1111** (Dumais) **Death Penalty – Maryland Commission on Capital Punishment** would set up a study group, staffed by two members of the Senate, two members of the House; plus the Attorney General, a member of the Judiciary, the Secretary of Public Safety, the State Public Defender, a State’s Attorney (or their designees); and representatives from the Maryland Chief of Police Association, a representative of the American Federation of State County and Municipal Employees, a former state prisoner who has been exonerated; a representative of the religious community, and three members of the general public including a family member of a murder victim.

This Commission would hold public hearings and would study all aspects of capital punishment as currently administered in the state, including whether the death penalty rationally serves a legitimate penological intent, including deterrence; what cost differences exist between imposition of the death penalty and life sentences; whether the death penalty is consistent with evolving standards of decency; and whether it is arbitrary, unfair or discriminatory and more. Commission recommendations, which would be due by December 15, 2008, would address racial disparities, jurisdictional disparities, socio-economic disparities; the risk of innocent people being executed, and cost comparisons.

**As chair of the LWVMD study completed a few years ago, I cannot help but observe that we touched on all these points in achieving our consensus for repeal.**

**HB 1250** (McComas plus 20) **Administrative Procedures Act – Exemption – Death Penalty Protocols** would remove from the requirements of the Administrative Procedures Act all protocols relating to lethal injections and execution procedures. This bill is in reaction to the Maryland Court of Appeals ruling that the state’s execution procedures were not subjected to the requirements of Act and that they must either be excluded from the Act or subjected to new protocols falling under the Act. It is due to this Court decision that a moratorium now exists on Maryland executions until an exemption is voted or new procedures developed.



**HB 623** dealing with victim and witness intimidation as an aggravating factor in a death penalty decision (See RSC 2) is now set for hearing with other death penalty bills on March 13.

*Marcia Reinke*

## GUNS

That guns are a major issue in Maryland is exemplified by the fact that 29 bills relating to firearms have been filed this year, the majority seeking stiffer gun control measures. Eight of these (four cross files) have been submitted by members of the Baltimore City delegation on behalf of the Baltimore City Administration, which is struggling to reduce the city's terrible homicide rate and other gun-related crimes. These are not, however, local bills. All would apply statewide. The House bills will be heard by Judiciary March 11 at 1 p.m., and the Senate bills by Judicial Proceedings March 6 at 1 p.m. They are:

**HB 849** (Doory plus 5) and **SB 586** (Gladden plus 1) Please see **Domestic Violence** for these bills.

**HB 880** (Anderson plus 4) and **SB 585** (Gladden plus 2) **Public Safety – Regulated Firearms – Reporting Lost or Stolen** would require a gun dealer to notify the purchaser or recipient of a firearm that he/she is required to report a lost or stolen firearm to local police, within 72 hours of discovering the loss or theft.

**HB 900** (Anderson plus 4) and **SB 642** (Gladden plus 1) **Criminal Procedure – Restrictions on Pretrial Release – Offenses Involving Firearms - Repeat Offenders** would prohibit pretrial release of a defendant charged with a firearm offense, if said defendant had previously been convicted of a firearm offense.

**HB 964** (Anderson plus 20) and **SB 558** (Gladden plus 1) **Criminal Procedure – No Good Time for Gun Crime** would decrease the number of (good behavior) days per month that may be deducted from a sentence involving a firearm.

Other new bills which would further restrict firearms are

**HB 877** (Carter plus 6) and **SB 299** (Stone) **Public Safety – Possession of Regulated Firearm by a Person Under 21 Years – Penalty** would provide a misdemeanor penalty provision for firearm or ammunition possession by a person under age 21. Hearing Judiciary, 3/11 at 1 p.m. Judicial Proceedings heard the bill February 13, no action.

**HB 1378** (Ivey plus 5) **Public Safety – Possession and Sale of Ammunition for Regulated Firearms – Penalties** would prohibit possession of specified ammunition if a person had been convicted of a gun related crime, subject to certain exceptions. Hearing Judiciary, 3/11, at 1 p.m.

**HB 1448** (Judiciary Chair by request of State Police) **Family Law – Final Protective Order – Surrender of Firearms** would required the surrender of firearms by the respondent during the term of the protective order. House Rules, no hearing date.

*Marcia Reinke*

## MANDATORY MINIMUM SENTENCES

**HB 275 Crimes – Violation of Restriction Against Possession of Regulated Firearm – Penalties** (See RSC 2) which required a mandatory minimum sentence for a possessing a firearm by a former convict has received an unfavorable report from Judiciary.

Three bills calling for mandatory minimum sentences for persons convicted of assault or damage in a transit vehicle, **HB322, HB 323 and HB 324** (See *RSC 2*) were heard by the Judiciary Committee February 6,. No action.

**HB 34 Violent Crimes and Sexual Offenses** (See *RSC 1 and 2*) received an unfavorable report from Judiciary while **SB 75 Criminal Law – Possession of Child Pornography – Enhanced Penalties**, (See *RSC 1 and 2*) will be heard by Judicial Proceedings March 5. **SB 75** has now been cross filed with **HB 574**, which will be heard by Judiciary February 19. **HB 619 Jessica’s Law Part 11 – Truth in Sentencing** (See *RSC 2* ) will also be heard by Judiciary February 19.

*Marcia Reinke*

## CORRECTIONS

What may turn out to be a major piece of corrections legislation has been filed in both the House and the Senate at the request of the Administration. The 26-page cross filed bill, **HB 367** (Speaker by request) and **SB 203** (President by request) is entitled **Department of Labor, Licensing and Regulation – Consolidation of Workforce Development Functions – Transfer of Adult Education and Literacy Services and Education Programs for Correctional Facilities**. The bill has a Preamble citing the great need for skilled workers and for post secondary training and education and the fact that employers are increasingly looking to ex-offenders to fill jobs. It would transfer responsibility for this education, especially in correctional facilities, from the K-12 Education Department into a state workforce development agency under the Department of Labor, Licensing and Regulation.

For further discussion of these bills and the hearing schedules please see **Education – Adult Literacy**.

Another bill is also aimed at providing training in correctional institutions. **HB 744** entitled **Correctional Services – Maryland Correctional Enterprises – Construction Services – Training** has been filed by the chair of the Health and Government Operations Committee by request of the Department of Public Safety and Correctional Services. It would allow Maryland Correctional Enterprises to develop specified training programs in construction and construction-related services. It is to be heard by HGO Committee February 27 at 1 p.m.

**SB 145 Corrections Services – Maryland Correctional Enterprises – Goods and Services** (See *RSC 1*) was heard by Judicial Proceedings February 6. No action.

*Marcia Reinke*

## JUVENILE JUSTICE

Since the last RSC, the budget for Juvenile Justice continues to be an issue. Advocates for Children and Youth criticize the budget priorities for not funding services for youth involved with the juvenile justice system, instead relying heavily on juvenile detention. The budget reflects these priorities, adding more than 200 Million for juvenile jails, but little for services in communities. At present, these services are woefully inadequate.

**HB 622 –Evidence – Based Practices for Delinquent Youth** (RSC 2) At a hearing on 2/14, The Department of Juvenile Services (DJS) basically supported the bill, but objected to those provisions which called for mandatory minimum use of alternative therapies and independent consultants to develop the plan. Most of the testimony was supportive of the bill and of using MST. Many of the League's positions on Juvenile Justice support this bill.

**HB75** (RSC 1 and 2) has passed in a 131 to 0. There has been no action in the Senate.

**HB 392** (RSC 2) has been withdrawn.

**SB 441** (RSC 2) has now been cross-filed with **HB 1332** (Dumais). Hearings will help to clarify the effect of these bills and League members may wish to continue to follow them.

Another set of bills of interest are **HB 1322** (Sophocleus)/**SB 634** (Jacobs et al) – **Gang Activity – Jurisdiction over Juvenile Offenders** which remove from the jurisdiction of the juvenile court any child, 16 years and older who, as a member of a criminal gang, commits an act that would be a crime if committed by an adult.

*Debbie Ehrenstein*

## COURTS

**SB 58** (Chrm.JPR)**District Court –Commissioners - Jurisdictions** passed the Senate 46-0 and sent to House Jud on 2/5. **HB 87** same title passed the House on 2/5 133-0.

**HB 20** (Smigiel) **District Court Small Claims Action** received an unfavorable JUD report.

**HB 642** (Barnes) constitutional amendment. **Jury Trials in Civil Actions-Amount in Controversy** hearing 2/20 crossed filed **SB403** (Stone) hearing 3/12.

**HB 387** (Rosenberg and Cardin) **Orphans ‘s Court Judges - Qualifications** hearing 2/20 JUD and cross file **SB293** (Frush and Gladden) hearing 2/21 JUDP. These bills if passed are constitutional amendments.

**HB 1275** (Frush, Gaines & Niemann)) **Circuit Court Judges - Election and Term of Office** constitutional amendment hearing 3/12. The bill proposes that Circuit Court Judges who are appointed to receive an approval or rejection vote in the General Election after they have served at least one year, and then every 10 years. The mandatory retirement age is 70 and there are sunset provisions for current Circuit Court Judges. Similar Legislation introduced in 2004 (unfav), 2005(unfav) and 2007(HB1363 withdrawn) by Delegate Frush. The critical changes to existing Law are a yes or no vote in the General Election, that is no Primary, and no opposition candidates on the ballot.

*Grace Kubofcik*

## DOMESTIC VIOLENCE

Domestic Violence advocates have a busy few weeks ahead of them. Most of the “gun” bills they are interested in will be heard 2/21 in JUD and 3/6 in JPR. In addition to firearms bills, advocates will support the following bills:

**HB 1257** (McComas)/ **SB 615 – Stalking and DV – Cruelty Toward a Pet or Service Animal** which would enable the court to order an abuser to stay away from a specified animal and refrain from abusing the animal. Victims often flee with pets to shelters or fear leaving or reporting the respondent who has threatened or harmed the animal. Many shelters, in fact, now accept pets. This would extend protection.

**HB 1105 and HB 1106** (Dumais) **Interim Protective Orders – Petitions Filed by Law Enforcement** – would require law enforcement officers to file a petition for an interim protective order with a Commissioner when an arrest is made in a DV case. A constitutional amendment is required to empower Commissioners to do this. The bill is controversial and has some technical problems to solve. However, a hearing this year would provide a 2-year window to “tweaking” so it can pass in time for the necessary Constitutional amendment to be voted in 2010. (Hrng. 2/21 JUD)

**HB 980 (Malone) – Criminal Law – Substantive Crimes – Assault by Burning.** JUD, 2/21). Well, here's a no brainer! The bill would make assault by buning to willfully and maliciously set fire or burn another person a crime! It adds this act to the list of crimes of violence. Great!

On the subject of firearms, we must mention that a number of "gun" bills are high on the list of DV advocates including two or three mentioned in RSC 2. Advocates do not support **HB 659 – DV – Temporary Protective Order – Additional Relief** (Waldstreicher/Levi) because this bill is extremely specific and brings into it the Second Amendment (red flag!). Advocates are wary that the bill connects the surrender of firearms and abuse: they want a probably cause standard to remove firearms to prevail, not a "reasonable standard" that violence would occur. As in the case of bills reported in RSC 2, authorizati on to seize weapons is not mandatory which will continue to cause confusion for the police and the court.

Another firearms bill of interest to DV advocates **SB 586 (Gladden, McFadden) / HB 849 (Anderson) – Public Safety – Restriction of Possession of Firearms – Conviction of Disqualifying Crimes and Protective Order Respondent** – would prohibit possession of any firearm by a respondent of a final Protective Order or disqualifying crime. This bill does exactly what advocates want which means it has probably won't pass. (SB 586 hearing 3/6 JPR.)

*Carol Sures*

## REVENUES

The following bills mentioned in RSC #2 related to the repeal of all or most of the sales tax on computer services will be heard by W&M at 1 p.m. on March 12 – HB 187, HB196, HB253, HB326.

**HB 904 Alcoholic Beverage Act** (Guitierrez, et al) would raise the tax rate from \$1.50 to \$3.50 per gallon for distilled spirits, from 40 cents to \$1.00/gallon for wine and from 9 cents to 25 cents for beer. The rate for distilled spirits has not been raised since 1955 and for wine and beer since 1972. According to the fiscal note on the bill, it would raise between \$42 and 48 million per year. Revenues from the increase would go to the General Fund. W&M, March 20, 1 p.m. A similar bill **SB232** (Forehand) was heard on February 6 by B&T. **SB 561** (Madeleno, et al) and **HB1310** (Bronrott et al) would use the increased revenues to establish a fund to support adult and adolescent addiction and prevention services. W&M March 20, 1 p.m.

**HB 1190** (Heller, et al) would establish a Task Force to Study the Needs and Expenditures of State Programs. It will be heard by APP on Feb. 28 at 11 a.m.  
A companion bill **SB691** (Madeleno et al) will be heard by B&T at 1 p.m. on Feb. 27.

**HB 924** (F. Turner, et al) and **SB619** (Jones , et al) would allow a more generous credit on the income tax offset the increased sales tax for lower income Marylanders. **SB 618** (Jones, et al) would allow for increased credits on the property tax for disabled, aged and low income Marylanders. **HB 924** will be heard by W&M on Feb. 21 at 1 p.m.

**HB189** (Krebs, et al) would lower the homeowner's property tax assessment cap for State property tax purposes from 10% to 5%. It was heard by W&M on Feb. 13.

# BUDGET

## Capital Budget

The capital budget is the omnibus bond bill that authorizes borrowing to fund the planning, construction or renovation of State buildings and other projects. It designates the source of payment of debt. The capital budget bill cannot be adopted by the Legislature until after adoption of the operating budget. The General Assembly may add or delete items in the budget bill and the Governor may veto individual items.

Total capital expenditures for fiscal 2008-2009 are proposed to be \$3.3 billion up \$233 million from FY 2007-2008. Overall there is an increase in the use of bonding and decrease in operating funds from both the general and special funds. The Program Open Space (POS) program and the Agricultural Land Preservation will be especially hard hit because of the decline in availability of operating funds.

According to the Department of Legislative Services, the top funded program is school construction with a proposed total of \$327.4 million, followed by Chesapeake Bay Restoration, Enhanced Nutrient Removal at \$138 million, \$90 million for the Water Quality Loan Program and \$81 million for community college construction grants.

## Operating Budget

House Appropriations will hold a hearing on Feb. 28 at 11 a.m. on **HB 101 The Budget Reconciliation and Financing Act of 1008** and Senate Budget and Taxation will hold its hearing on the similar bill **SB91** on Feb. 27 at 1 p.m.

*Barbara Hankins*

# HEALTH

There has not been much action on health bills to date. Several are scheduled for hearings later in the month and in March and others have not been scheduled for hearings to date.

**HB 1125** (Montgomery et al) **Maryland Universal Health Care Plan**. This bill proposes to establish a plan for a comprehensive package of benefits for all residents in the State including mental health, home, and community based services. A Board of Governors, appointed by the Governor, would control the Plan. Funds for the Plan would be obtained from Medical Assistance, Medicare, and State and local government funds appropriated for health care services. (HGO) hrg,3/13

*Loretta Richardson*