

REPORT FROM STATE CIRCLE

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BUDGET

Operating Budget

SB 90, the Budget Bill, appropriates **\$31.5 billion** in all funds with a General Fund growth of 3.7%. The budget is \$22 million under the spending affordability guidelines and leaves cash balances of almost \$1.1 billion. These balances can be used if revenues fall faster than expected during the fiscal year. Major provisions of the bill include:

\$5.3 billion for **aid to education**, an increase of \$185 million and first time funding for the Geographic Cost of Education Index

\$4.4 billion for **state universities and colleges** – a reduction of \$8.3 million from the governor’s proposal but allows additional reductions of \$30.7 million to be paid with Higher Education Investment Fund monies.

\$4.8 billion for **Medicaid** – a reduction of \$20.2 million from the governor’s proposal.

\$15 million for the **Small Business Health Insurance Subsidy Program**

\$25 million for the **Chesapeake Bay 2010 Fund**, down \$25 million from the original appropriation made during the November special session.

\$149 million for **Bay restoration funds**.

\$45.5 million, for **Program Open Space** including \$3 million in federal funds.

\$4 million for **Optical Scan voting equipment**.

\$53 million for the **Intercounty Connector** down \$32 from the Governor’s proposal.

2% cost of living increase for state employees, merit increases, and a deferred compensation match.

With the repeal of the computer tax in **SB 46** (see below), a further \$50 billion in in sales tax funds will be diverted from the Transportation Trust Fund to the General Fund for the next 5 years and the Governor is directed to take an additional \$50 million in FY09 ongoing spending reductions to the Board of Public Works by July 1, 2008.

SB 527, the Spending Mandate and Dedicated Relief Act diverts a portion of motor fuel tax revenue and short term vehicle rental sales tax revenue from the Chesapeake Bay 2010 Trust Fund to the General Fund during FY09, reduces public library operating grants, eliminates a mandatory funding level for the Rehab Options Program and alters the funding of the state police helicopters.

CAPITAL BUDGET

SB 150 the Maryland Consolidated Capital Bond Loan Program of 2008 authorizes \$893.9 million in general obligation bonds as part of a total general fund bond authorization of \$935 million. Major provisions include:

\$333 million for public school construction

\$286.7 million for state universities including \$81 million for community colleges and \$17 million for facilities renewal.

\$47.5 million in 2008 and authorization for an additional \$28.8 million to be issued in 2009 for a new Rockville District Court building.

\$18.5 million for the Rural Legacy Program – including \$13.5 million in Program Open Space funds in SB90 and \$5 million in SB150.

\$47.8 million for a forensic medical center.

\$27.7 million for state correctional facilities, including \$7.6 million authorized in 2007

\$25 million for local House and Senate initiatives.

REVENUES

SB 46 combined repeal of the sales tax on computer services with a “millionaires tax” which places a temporary (3 year) surcharge of 6.25% on taxable personal income that exceeds \$1 million. The computer tax was expected to raise \$200 million per year, the millionaires tax \$100 million per year. \$50 million in sales tax revenues that were to be placed in the Transportation Trust Fund are to be placed in the General Fund for the next five years and the Governor is directed to find an additional \$50 million in cuts to be presented to the Board of Public Works by July 1, 2008.

Barbara Hankins

MEETING BASIC HUMAN NEEDS/ AFFORDABLE HOUSING

Although the two pieces of legislation addressing the topics that the LWVMD was most supportive of did not pass, Maryland is making a positive name for itself for some forward thinking legislation addressing the sub prime mortgage/ foreclosure crisis.

HB 1261, Delegate Hucker's bill, **Housing - Discrimination Based on Source of income –Prohibition** never got out of Environmental Matters.

Legislation creating a Maryland Affordable Housing Investment Fund **HB 51/SB 302** didn't get past a first reading in the Senate's Education, Health, and Environmental Affairs Committee, but the House Environmental Matters Committee referred it to interim study.

The Governor's four bills dealing with foreclosure all passed as emergency bills, have been signed into law, and are immediately effective.

HB 360 - Maryland Mortgage Fraud Protection Act makes it illegal to:

- knowingly make a misrepresentation during the mortgage lending process with the intent that the statement be relied on by the borrower or lender,
- knowingly use such a misrepresentation in the mortgage lending process
- receive funds from a mortgage closing that the person knows resulted from such a misrepresentation conspire to do any of the above.

HB 361 - Protection of Homeowners in Foreclosure - Prohibition on Foreclosure Rescue Transactions requires any written contract concerning transfer of title of a property in the foreclosure process explain:

- how much money owner must pay;
- how much they will receive, if any;
- how much the foreclosure consultant will receive, and from what source.

It must state that the consultant cannot guarantee that they will be able to refinance your home or arrange for you to keep it. It also gives the homeowner the right to cancel the contract at any time.

HB 363 - Credit Regulation – Mortgage Lending And Other Extension Of Credit prohibits a lender from requiring prepayment penalty fees with certain mortgage loans and prohibits lenders from making certain mortgage loans without regard to the borrower's ability to pay.

HB 365 - Recordation of Instruments Securing Mortgage Loans and Foreclosure of Mortgages and Deeds of Trust on Residential Property requires that:

- the mortgage document contain the name and license number of the mortgage originator;
- a foreclosure cannot be filed until the later of 90 days after the default or 45 days after notice of intent to foreclose has been sent; and
- the notice must contain a name and phone number of the mortgage servicer and the amount required to cure the default.

Ruth Crystal

ETHICS

SB 191 passed by both Houses. It requires that electronically-filed financial disclosure statements must contain the electronic signature of the person submitting the statement. No other legislative ethics bills passed this year.

Kay Terry

GOOD GOVERNMENT

HB 358/SB 819, which would have set up a searchable web-based data base including information on state grants, contracts, etc. passed the House. It was referred by B&T for study.

Kay Terry

HEALTH

The 2008 General Assembly was not a stellar year for health issues. To date, only one bill that we followed has been signed by the Governor; however there were several passed by both the House and the Senate. Governor O'Malley signed **HB 277 Maryland Insurance Commissioner – Adoption of Regulations Applicable in an Emergency – Required**. These regulations may include the submission of claims, procedures for obtaining health services, prescriptions drugs, and other activities during an emergency.

Several bills related to the health of children are waiting for the Governor's approval including **HB 62 Lead-Containing Children's Products – Prohibition, HB 115 Medical Assistance Programs and Maryland Children's Health Programs – Statements on State-Issued Checks, HB 216 Hereditary and Congenital Disorders – Newborn Screening, HB 1176 Public Health – Committee on Childhood Obesity, and HB 1391 Kids First Act**.

HB 289 extends the time for the Task Force on Health Care Access and Reimbursement to work. **SB 744** adds the duty to the Task Force to determine the need to provide incentives for health care providers to be available on evenings and weekends and to determine if primary care physicians should be reimbursed for mental health services.

Loretta Richardson

CAMPAIGN FINANCE REFORM

The Public Campaign Financing Act for Members of the General Assembly (**HB 971/SB 593**) took a set-back this year, compared to 2006 when the bill passed in the House and 2007 where it failed by only one vote in the Senate. Neither W&M nor EHEA voted on public funding this session.

We once again worked with a network of supporters, including Progressive Maryland, US Common Cause, and Public Campaign, in putting our case for public funding before the General Assembly. And, we again focused on the Senate and EHEA because the House was said to be a sure victory but only if the Senate passed the bill first. We realized very early on that Senate President Mike Miller was opposed to our bill but the extent of his opposition became apparent only near the end of the session. Senator Miller successfully pressured Senator Joan Carter-Conway, Chairman of EHEA and a supporter, to hold the bill and not allow the Committee to vote. So, public funding died a silent death.

There is not a lot of optimism for the future of public funding in Maryland. Network representatives and constituents met with and talked to Senator Conway many times. She was very open about Senator Miller's objections and his power over Committee Chairs. The Baltimore *Sun* had articles in favor and more than one editorial pointing out the benefits of public funding. Network members got funding for four full-page ads in the *Sun* and supporters in Senator Miller's District called and wrote him expressing their dismay at his obstructionism. We will try again next year.

Other bills:

Two bills were passed into law by the Assembly: **SB 755** provides that a corporation that spends more than \$10,000 either for or against the "slots" referendum, must file a detailed report within 7 days of those expenditures. **HB 1432** passed unanimously in both Houses and requires that campaign finance reports that are submitted electronically must include an electronic signature of the campaign treasurer.

HB 347, which would have forbidden fundraising during special sessions, was withdrawn by its sponsor.

None of the other 10 campaign finance bills were acted upon by W&M or EHEA.

Kay Terry

EDUCATION

The most important aspect of education legislation during this 90-day session is that nothing negative happened, particularly in K-12 funding. The GCEI will be allotted to eligible counties as was determined in the Special Session in November 2007, and no further change was made in Thornton basic funding. Final school construction allotments will be made by the Board of Public Works in May. K-12 legislation that passed deals primarily with school behavioral issues as described below.

To the amazement of many, SB 203, the two-pronged bill transferring responsibility for Adult Education and Literacy Services and Education Programs for Correctional Facilities to the Department of Labor, Licensing and Regulation from the State Dept. of Education passed on Sine Die. In the amended bill, membership on the Transition Council was increased from 10 members to 22; the Council's responsibilities were more specifically defined, requiring it to develop and coordinate a new state plan for adult education and to assure the alignment of these programs with workforce development by December 31, 2008. The report must include strategies that assure continuity for clients and in the administration of grant programs. Federal grants must go through the State Treasurer to assure that these funds are disbursed in accordance with Federal law. Actual transfer of the programs will not occur until July 1, 2009. (See Corrections section for description of that part of the act.)

Status Report

RSC 1

- SB 50 – Special Ed. Services – Children in a Home School Setting – passed Senate; no House action
- SB 77 – Children in Informal Kinship Care Relationships – Passed enrolled amended to clarify that a child may be removed from the school if the affidavit verifying the informal kinship care relationship is found to be fraudulent.
- SB 78 – Task Force to Study System Variables Impacting Student Achievement – unfav
- SB 96 – Truancy Rates – Positive Behavioral Interventions and Behavior Modification Program – Passed with amendments that narrow the behavior modification program required
- HB 8 - Lottery for Schools - no action
- HB 21 – Compulsory Attendance to age 18 – no action
- HB 121 – Special Ed. Services for Home-Schooled Students – no action

RS 2

- SB 158 – Lawton Farm to School Program – passed with minor amendments
- SB 229 - High School Dropouts – Alternative Programs and GED Requirements – Passed enrolled with Amendments stating that GED and alternative programs info. must be given only to students who have no diploma and no longer attend public high schools and clarifying this act applies only prospectively
- SB 436 – Compulsory Attendance Age – Passed Senate with amendments increasing the compulsory attendance age to 17 rather than 18 and delaying implementation to the 2010-11 school year if \$45 million was budgeted for implementation, but no House action.
- SB 447 – GED Options Program – unfav
- HB 139 – Multiple Suspensions – Passed enrolled with amendments that delete the original bill and create a 25-member task force to study issues related to multiple suspensions; lists membership and area of study especially related to student services teams for these students.
- HB 169 – Children in Informal Kinship Relationships – Passed enrolled to conform to SB 77 crossfiled above.
- HB 185 – Parental Choice Scholarship program – unfav

HB 186 – Great Schools Tax Credit Program – unfav
HB 188 – Smart Start Scholarship Program – unfav
HB 192 – State Board of Education Members – Qualifications - no action
HB 199 – Bullying Harassment and Intimidations – Passed enrolled with amendments that delete the original bill, add bullying to existing law on intimidation and harassment with additional applicable characteristics, define electronic communication, and require the State Board of Education to develop a model policy and county school boards to establish policies prohibiting these three kinds of acts.
HB 206 – Student Bullying – no action
HB 285 – Truancy – Behavior Modification – Passed conformed with crossfile SB 96 above
HB 300 – Public and Private Schools – Criminal Law Courses – unfav
HB 389 – Task Force to Study System Variables Impacting Student Achievement – no action
HB 403 – Obesity in School-Age Children – withdrawn
HB 465 – Public Charter School Revisions – withdrawn
HB 503 – Task Force on Health and Fitness – Passed House with amendments; no Senate action
HB 519 – Graduation Requirement – Numerical Assessment – no action
HB 520 – High School Assessment Requirement – no action
HB 546 – Harassment in Schools – no action
HB 696 – Lawton Farm to School Program – Passed with same minor amendments as SB 158

RSC 3

SB 203 – Adult Education Move to DLLR – passed – see above in second lead paragraph
SB 519 – Student Victim of a Crime – Offender Required to Change Schools – unfav
SB 533 – Task Force to Study Financial Literacy – Passed enrolled to conform with HB 1242
SB 582 – Multiple Suspensions – unfav
SB 647 – Adult Education Funding – no action
SB 714 – Financial Literacy Curriculum – unfav
SB 773 – Adult Education and Family Literacy Services – passed
SB 787 – High School Assessment Not Required to Graduate – unfav
HB 367 – Adult Education Move to DLLR – no action but crossfiled SB 203 passed
HB 592 – Student Behavior Interventions – no action
HB 732 – Bullying, Harassment and Intimidation – no action
HB 738 – State Aid – Full-time Equivalent Enrollment – unfav
HB 837 – Multiple Birth Placement – no action
HB 841 – Fall Sports Season Practice Sessions – no action
HB 920 – Student Victim of a Crime – Offender required to Change Schools – withdrawn
HB 953 – Alternative programs and GED requirements – passed with amendment clarifying that it applies only prospectively to students who drop out, conforms with crossfile SB 264 above
HB 978 – Adult Education Funding - no action
HB 1148 – School Vending Machines – no action
HB 1158 – Safe Schools Reporting Act – passed with an amendment changing effective date to July 1, 2008
And deleting reference to sunset repeal
HB 1209 – Safe Schools Reporting Act – Sunset Repeal – passed
HB 1242 – Task Force to Improve Financial Literacy – Passed enrolled with amendments modifying and increasing membership and adding required areas of study
HB 1271 – Financial Literacy Mandate – no action

RSC 4

SB 933 – Weighted Assessment System Required for Graduation – unfav
SB 955 – Task Force on Student Physical Fitness – Passed enrolled and totally changed to establish a 12 member task force, staffed by MSDE, to study and report by November 20, 2008 whether public schools should have to provide a minimum amount of physical education; the effects of such activity on children's obesity; and the costs of such a requirement.

Lois Stoner

ELECTIONS

Although there were a number of bills related to election filed during the session, in the end, only one was passed. **SB 1014/HB 1627** address filling a recently vacated seat in the U.S. House of Representatives from Prince of George's County. This emergency measure specifies that if the office becomes vacant or will become vacant due to resignation after the date of the regular primary election, the Governor may issue a proclamation that a special primary election not be held and that the date of the special general election shall be a Tuesday that is a least 36 days after the proclamation.. Nomination of candidates is to be made by the party State Central Committees. This legislation, as passed, remains in effect for only one year after enactment.

SB 201 and **HB 310**, both attempting to clarify the voting rights of 17 year old voters, passed their respective houses, but were not able to cross to the other house for approval prior to the close of the session.

HB 102 - Voter Rights Protection Act of 2008 passed the House, but not out of committee in the Senate. This bill contained provision for keeping polling places open late in the day if they opened late or were closed for any reason during the day and gave chief election judges the authority to provide a provisional ballot if the judge determined it was required. The bill also attempted to address false campaign literature.

A number of bills requiring voter identification at the polling place or proof of citizenship upon registration did not make it out of committee. Additional unsuccessful election related legislation included bills requiring a periodic audit of the statewide voter recitation list (**HB 1103**), election day voter registration at the polling place (**HB 801**), rotation of candidate names on the ballot to avoid alphabetical advantage (**SB 73**), instant runoff voting method (**HB 1502**), and an election judges training pilot program (**HB 48**).

Lu Pierson

TRANSPORTATION

As the saying goes "You win some and you lose some." In order to balance the General Fund budget, the General Assembly transferred \$50 million from the Transportation Trust Fund to the General Fund. Transportation projects will be deferred again at a time we should be investing in public transportation infrastructure.

The bill to establish Transportation-Oriented-Development around transit stations, **SB 204/HB 373** passed. This is an effort to promote the use of mass transit by insuring sufficient density and a mix of uses around stations. The farebox recovery from rail and bus operations was reduced from 50% to 35% by **HB 1185**. A regular reporting of performance measures is required by this bill.

The bills to authorize electronic speed monitoring in school and work zones passed both houses but legislators were unable to reconcile the differences between **SB 269** and **HB 364**.

AIR QUALITY

The bill that garnered the attention this year, **SB 309/HB 712 Global Warming Solutions**, never made it out of the Environmental Matters Committee. The Senate subverted it with amendments, which would make it more difficult to regulate greenhouse gases in the state in the future.

Several specific energy bills passed; **SB 209/HB 375** which accelerates the percentage of power generated by renewable sources; **SB 207/HB 377** which mandates energy conservation education and incentives to reduce demand; and **SB 268/HB 368**, heavily amended to increase rebates to customers instead of conservation

measures, outlines the uses of funds from the Regional Greenhouse Gas Initiative's requirement that industries that do not make cap and trade goals pay into a fund.

SB 207/HB 377 was enacted. It increases incentives for the use of solar and geothermal energy, both residential and non-residential. **HB 1337/SB 977** establishes the Maryland Clean Energy Center and the Maryland Clean Energy Technology Incubator Program, an economic development effort, charged with assisting and promoting the clean energy industry in the state.

Carol Filipczak

DOMESTIC VIOLENCE

We have reported on a number of passing and failing bills in earlier issues of RSC. Those previously reported and now resolved are:

HB 182/SB 393 – DV – Permanent Protective Order (PO) After Conviction and Imprisonment – passed both Houses. The legislation provides that a PO is permanent if a respondent is convicted and sentenced to imprisonment for a specified act of abuse. The bill was amended to require that the respondent be convicted and serve a term in prison of at least 5 years and that the victim request the new PO within a reasonable time after the individual's release from prison, that the relief granted be the same as the original PO, and that the final PO be permanent unless terminated at the request of the victim.

HB 640/SB 42 – Family Law – Temporary Pos – Surrender of Firearms - which sought to authorize a judge to order surrender of firearms in a temporary PO> This one passed the Senate on 3rd reader with amendments, but received an unfavorable report in JUD.

HB 659 – DV – Temporary PO - Additional Relief – didn't fail but didn't get any vote in JUD.

HB 849/SB 586 – Public Safety – Restrictions on Possession of Firearms – Conviction of Disqualifying Crime and PO Respondent – unfavorable in both JUD and JPR.

HB 917 – Criminal Law – Offensive Physical Contact. This bill was extensively amended and sought to create a new misdemeanor in which “a person may not intentionally cause minor offensive physical contact of a nonsexual nature ... “ The amended bill passed the House but was not voted on in JPR.

HB 980 – Criminal Law – Substantive Crimes – Assault by Burning never got a vote in JUD.

HB 1105 and HB 1106 – Interim Pos – Petitions Filed by Law Enforcement and District Court Commissioners – Interim Pos – Petitions Filed by Law Enforcement (Constitutional Amendment) - the bills were withdrawn. Advocates are not unhappy about waiting until the 2010 election cycle because the bill needs technical improvements before it can be passed.

HB 1256/SB 615 – Stalking and DV - Cruelty Toward a Pet or Service Animal passed the Senate as the House version was amended in JUD. No vote was taken on either bill in JUD.

HB 1448 – Family Law – Final Protective Orders – Surrender of Firearms – although sponsored by the JUD Chair by request of the State Police, the bill received an unfavorable report in JUD.

Carol Sures

MARRIAGE EQUALITY

SB 290 and **HB 351** (RSC 2) - **Religious Freedom and Civil Marriage Protection Act** were the two bills that the League supported this legislative session. Unfortunately, neither made it out of committee. On the other hand, neither did **SB 169 Maryland Marriage Protection Act** (RSC 3) which would have amended Maryland's constitution that a marriage can only be between a man and a woman.

The General Assembly did approve two measures: **SB 566/HB 733** (RSC 5) – **Health Care Facility Visitation and Medical Decisions – Domestic Partners** and **SB 597/HB 746** (RSC 5) – **Recordation and Transfer Taxes – Exemptions – Domestic Partners**. **HB 733** passed on March 29, 2008 by a vote of 88-46 and **HB 746** passed on April 4, 2008 by 86-51. Governor O'Malley is expected to sign these bills and they will go into effect on July 1, 2008. This legislation is a small but significant step toward ending discrimination for same sex couples and domestic partners.

Sherry Hyman

CHILDREN AND FAMILIES

All things considered, Maryland's young children and their families escaped the major cuts made in several other areas during this difficult budget year. The Early Childhood Division of the State Dept. of Education was able to keep level funding for all of its professional development, quality improvement, credentialing, licensing, and subsidy programs – a credit to the increased understanding and education of legislators re the importance of early childhood development and its dividends for the future.

A bright spot during the final days was the supplemental budget offered by Governor O'Malley, which included \$4.6 million for the Maryland Infant's and Childrens' program (MTIP). This program has become increasingly popular due to the major advantages of recognizing very early on whether young children have disabilities or difficulties in learning and physical development. Cost savings alone can be huge, with problems discovered early and responding to treatment, in addition to healthier and happier children.

Some Bills listed earlier and some new ones are noted:

HB 1391- Kids First Act –(Health care coverage for all) Mizeur et al. **Passed** – (House-128-10; Senate-35-8) – this law will work toward getting the 90,000 children currently without health care enrolled in the state health program, and go a long way toward alleviating the current backlog of kids who are eligible but not enrolled in our health care programs.

Another victory was the formation of a Dental Action Committee, spearheaded by Secretary of Health John Colmers, that made recommendations for a comprehensive plan to improve oral health for 500,000 children receiving public health insurance. Funding to raise reimbursement levels for kids needing dental assistance will encourage more dentists to treat kids, as well as authorization for dental hygienists to provide more preventive services in schools and other public health settings, Dental care is woefully inadequate in most areas, and this will provide a welcome "shot in the arm".

HB 62 – prohibits manufacture or sale, importing or distribution of a lead-containing children's product. Must use an independent , accredited testing entity. **Passed**

HB 40/SB 344 (RSC 5) Flexible Leave Act (Doory, et al /Garagiola et al – **Passed** – allows employees to use earned leave for care of members of immediate family who are ill or need other care.

HB 90/SB 57 - Permanency Planning and Interstate Placement of foster children, (Chair, JUD) RSC-3. **Passed**

SB 243/HB 965 – Family Law – Child Care Centers, (Kelley et al) Failure to report actions resulting in serious injury or death, **Failed** (see SB184 below)

HB 410 – Child Neglect, Penalties (Dumais) RSC 3. **Unfavorable report**

SB 184 - Family Law, Child Care Centers-, (Ed., Health, & Environmental Affairs) requires immediate suspension of operations for a Child Care Center in the case of serious injury or death of child in care. **Passed**

SB 453 – Foster Care, payment rates (Chair, Judiciary Ctte.- DHR, Sen. Kasemeyer) Ties foster care rates to a USDA standard so that they automatically keep up with cost of living. **No Action**

HB 1406 – Foster Kids Coverage Act (Mizeur) **Withdrawn**

Pat Plunkett

JUSTICE

DEATH PENALTY

Maryland will conduct another study of the death penalty. By a vote of 33-14 in the Senate and 89-49 in the House, a Maryland Commission on Capital Punishment will be convened to report back by a December 15. Authorized in the final hours of the General Assembly, the bill was amended several times in order to assure that those appointed would “reflect the broad diversity of views on capital punishment, and the racial, ethnic, gender and geographic diversity of the state.” The scope of the study was also shortened by eliminating a list of specific areas to be examined and replacing it with “all aspects of capital punishment as currently and historically administered in the state.” Specifics of the bill will be included in LWVMD’s spring *Voter*.

All the other bills dealing with the death penalty either died in committee or were killed. Repeal bills were heard in both the Senate and House but neither Judiciary nor Judicial Proceedings ever took committee votes, probably because the outcome was a foregone conclusion. With the membership in Judicial Proceedings unchanged from last year, there was little likelihood a repeal bill would pass.

On the brighter side for advocates of repeal, all bills favoring the death penalty received unfavorable reports. Dead again this year is legislation which would have exempted death penalty protocols from the Maryland Administrative Procedures Act. A Court of Appeals decision that Maryland’s lethal injection executions were not approved under the terms of the Act has, in effect, halted executions in Maryland until or unless the Legislature exempts the death penalty from the Act, or the Governor sets up a method to have the procedure reviewed. Governor O’Malley, who opposes the death penalty, appears in no hurry to submit the lethal injection protocols for review. Also dead following unfavorable reports are bills which would have added victim and witness intimidation to the list of aggravating circumstances in capital cases, and which would have prohibited the Chief Judge of the Court of Appeals from assigning a former judge to sit temporarily in a case where a death penalty is sought.

Marcia Reinke

GUNS

Gun control laws went nowhere this year. Although the Senate passed **SB 42** (29-17), which would have allowed a judge to require defendants in temporary protective order cases to surrender their firearms, the House Judiciary committee killed its cross-filed companion with an unfavorable report. Designed to shield abused women, the bill was opposed by those who argued it was an unwarranted infringement on the constitutional right to bear arms.

Another major gun control bill **HB 900/SB 642** also died. It would have prohibited a District Court commissioner from authorizing pretrial release of a defendant charged with a firearms offense, if the defendant was previously convicted in a gun-related case.. It passed 137-0 in the House, only to die without a vote in the Senate's Judicial Proceedings Committee. **HB 964/SB 558**, which would have reduced or eliminated good behavior credits for those convicted of gun crimes, received a favorable report from Judiciary only to be recommitted to the Committee by its chief sponsor where it died.

The remainder of the bills filed statewide in the "Guns" category were either withdrawn, received unfavorable reports or died in committee.

Marcia Reinke

MANDATORY MINIMUM SENTENCES

All the bills requiring mandatory minimum sentences which *RSC* followed this year were reported unfavorably by Judicial Proceedings and/or Judiciary. This is good news for *LWVMD* which is generally opposed to mandatory minimum sentences, believing instead in judicial discretion.

Marcia Reinke

CORRECTIONS

Two bills which could help with the rehabilitation and training of prison inmates passed the General Assembly this year. **HB 744**, which will allow Maryland Correctional Services to develop specified training programs in construction and construction-related services, passed unanimously in both the House and the Senate. Also passed, following much debate and several amendments, were **HB 367/SB 203** which call for a major restructuring of how Maryland provides education and literacy services to adults, and educational and training programs in correctional facilities. This 26-page bill, filed by the Administration, passed in the Senate 31-15 and in the House, 90-48.

SB 145, which would have removed a prohibition against the sale of services by Maryland Correctional Enterprises and authorize the sale of goods to individuals employed by the State, passed in the Senate, 42-5, only to die in the House where the Health and Government Operations Committee issued an unfavorable report..

Marcia Reinke

JUVENILE JUSTICE

Although the 2009 budget which passed the legislature, continues the emphasis on secure facilities to deal with juvenile offenders, it does not increase the educational or psychological or vocational services which might benefit inmates. Funds for two new facilities have been frozen until the Department of Juvenile Services can explain how they fit into a master plan for juvenile delinquents. Unfortunately there are no additional funds for community based services or for the evidenced based, intensive services such as Multi-Systemic Therapy which have been shown to reduce recidivism and costs. Supposedly, Sec. Donald DeVore supports such services and will try to finance their expansion from Departmental funds.

HB 622 which mandated the expansion of evidence based services to delinquent youth in their homes and communities received an unfavorable report from the House Judiciary Committee.

HB 75, requiring notification of private school principals when students commit certain reportable offenses passed the House and Senate.

SB 441, setting up a sex offender registry for juveniles, passed the Senate, but received an unfavorable report from the House Judiciary Committee.

HB 1322 which would have sent gang members, 16 and older, who commit certain crimes to adult court, received an unfavorable report from the House Judiciary Committee.

HB 1240 which allowed juvenile court judges to place youth judged to be delinquent in alternative educational programs, passed the House but did not get out of the Senate committee.

Debbie Ehrenstein

COURTS

There are only two bills to update. **SB 404** (Stone) - **Constitutional Amendment Civil Jury Trials – Amount in Controversy** passed second reader with an amendment to reduce the amount from the proposed \$20,000 to \$15,000. On 3/23 third reader the bill failed 28-19 and had a motion to reconsider which failed 30-17. **SB 403** (Stone) - **Jury Trials in Civil Actions** passed the Senate on a 24-23 vote was sent to the House and never came out of House Rules.

SB 514 (Dept. Legislative Services –State Board of Law Examiners) - **Sunset Extension and Program Evaluation** (RSC5). On 3/29 the Senate refuses to concur with the House amendments and a conference committee is formed. Senators Raskin, Gladden and Frosh and Delegates Carter, Waldstreicher and McComas serve and present a conference report adopted on 4/2 by the Senate 41-6 and on 4/3 adopted by the House 138-0. Language inserted and adopted includes “expenditures associated with the State Board of Law Examiners be covered by the fee revenue to the extent possible” and the effective date of bill is 6/1/08 with a \$250 fee for the bar exam in 2009 and \$400 for 2010 and thereafter. The sunset date was changed from 2010 to 2020.

Grace Kubofcik

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