



REPORT FROM STATE CIRCLE

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EDUCATION: SCHOOL CONSTRUCTION

[HB 338/SB 276 Building Opportunity Act of 2020](#) (Speaker et. al./ President et al.) were filed by request of the Administration. Public school facility means a building, parking, athletic, testing or any other facility related to education instruction held in trust by a county board of education for the benefit of a county public school system and is designated for improvement. (This contrasts with the definition in [HB 01/SB 01](#) by expanding it to include testing facilities).

The proposed legislation provides that the Maryland State Authority shall oversee public school facility projects. It may use money deposited into the newly established Building Opportunity Facilities Fund and the Building Opportunity Financing Fund and bond proceeds held under trust as the sole source of payment for any costs/expenses related to public school construction. (The Building Opportunities Facilities Fund and the Building Opportunity Financing Fund are analogous to the Supplemental Public School Construction Financing Fund and the Supplemental Public School Construction Facilities Fund created in [HB 01/SB 01](#)).

The proposed legislation establishes a Building Opportunity Financing Fund, a continuing nonlapsing fund used by the Authority for debt service and related borrowing expenses. It consists of money deposited into the Fund and bond proceeds. The money in this Fund may be used to supplant money appropriated to The School Safety Grant Program and The Healthy School Facility Fund. Furthermore, the legislation provides that money from the Education Trust Fund shall be deposited into the Building Opportunity Financing Fund in an amount equal to \$125,000,000 in each fiscal year that bonds are outstanding and unpaid. (This differs from the analogous Supplemental Public School Construction Financing Fund created in [HB 01/SB 01](#) which provides that money in that Fund supplements and may not supplant money appropriated to the Public School Construction Program).

The proposed legislation establishes a Building Opportunity Facilities Fund, a continuous nonlapsing fund used by the Authority to pay debt service on authority bonds and for public school facility design and construction costs. It consists of funds transferred from the Building Opportunity Financing Fund and any additional properly deposited money. Any cost overruns or unbudgeted expenses or unforeseen costs are payable solely from the Building Opportunity Facilities Fund. Authority may transfer money from this Building Opportunity Facilities Fund to the Local Share of School Construction Costs Revolving Loan Fund to provide loans to local governments. Money in this Fund may be also be used to supplant money appropriated to The School Safety Grant Program and the Healthy School Facility Fund. (This differs from the analogous Supplemental Public School Construction Facilities Fund established in [HB 01/SB 01](#) which provides that money in that Fund supplements and may not supplant money appropriated to the Public School Construction Fund).

Unless authorized by General Assembly, the Board of Public Works may not approve issuance of bonds by the Maryland State Authority, whether taxable or tax exempt, that constitute tax or nontax supported debt if after issuance there would be outstanding and

unpaid for purpose of financing and construction \$2,200,000,000 for public school facilities. Before seeking Board of Public Works Approval for a bond issue, the Authority shall provide information to the General Assembly including the aggregate amount of funds needed and a list of public school facilities to be constructed/renovated along with debt-related information. Total debt service for all outstanding bond issues combined may not exceed the total amount of funds provided from the Education Trust Fund and the Building Opportunity Financing Fund.

A County Board of Education shall deliver buildable sites to the Authority. The Board should obtain the approval of the State Superintendent of Schools and the Board of Public Works before sale, assignment, mortgage, pledge or encumbrance of any public school facility.

Interagency Commission on School Construction shall provide recommendations for school facility projects to be funded from the Building Opportunity Facilities Fund. The Authority, Commission and the County Board of Education will enter into a Memorandum of Understanding (MOU) for management and oversight of projects. The MOU shall state that the state and local cost share for the county established by regulation shall apply. Authority must report on progress on construction and renovation taken during the previous year and planned for the current year. (This language differs from [HB 011/SB 01](#) which states that the Interagency Commission may approve, as opposed to recommend, public school construction projects in accordance with established processes). Hrg. 3/3, 1p.m. APP; B&T

[HB 615 Education-School Construction-Pedestrian Safety Plans](#) (Solomon et. al.) requires a county board of education seeking state funds for the construction of a new school or renovation of an existing school that would increase school capacity by more than 100 students to submit a pedestrian safety plan to the Interagency Commission on School Construction as part of the approval process. This plan would identify safe pedestrian and cyclist routes and provide for analysis of existing and potential school zones and include documentation of public participation and input into the plan. Hrg. 2/25, 1pm APP

[SB 65 Construction of Sidewalks and Crosswalks – Safe Alternative Routes to Public School](#) (Ellis) requires county boards to prepare a report that determines whether there are safe alternative routes to school for students ineligible for transportation. Each year the report is to be reviewed by the governing body which then must construct sidewalks and crosswalks to ensure safe alternative routes for affected students. Hrg. 1/22, 1pm EHE

[HB 665 Public School Construction and State Buildings – Use of Geothermal Energy](#) (Barve and Stein) states the Interagency Commission on School Construction may not approve the construction of a public school unless a geothermal energy system will be installed in the school building. Hrg. 2/27, 1pm APP

Kathy Vanston

EDUCATION

Department of Education to establish a Stakeholder Advisory Group to develop a Reading and Dyslexia Handbook to guide local school systems in the implementation of best practices for early literacy and dyslexia. The bill specifies the professional and public members who should be on the advisory committee and how information is to be disseminated. W&M; EHE

[HB 723](#) Task Force to Evaluate Existing School Civic Literacy Programs (Boteler plus nine) requires the establishment of task force to evaluate existing school civic literacy programs; determine a strategy for enhancing long-term civic education; and make recommendations regarding a plan for implementing a civic education program. The report is due December 1, 2020. W&M

State Aid to Private Schools

[SB 418](#) Education Savings Account Program – Established (Serafini) requires for the children not attending public school, the amount state and local government would contribute per child for education in public school be deposited into an Education Savings Account for that child. Funds from the account could be used for private elementary/secondary school expenses (up to \$2000 per year for tuition). The bill contains requirements for testing and reporting and independence of private schools. Hrg. 2/12, EHE; B&T

Update on bills previously reported in the RSC:

[SB 133](#) Education - High School Students - Graduation and Attendance Credit for Vocational Training ([RSC 1](#)). Hrg. 2/4, 1pm EHE; **[HB 769](#)** Cross file W&M

[HB 208](#) Public Schools - Provision of Menstrual Hygiene Products. ([RSC 1](#)) Hrg. 1/30, W&M

Lois Hybl

EDUCATION: SCHOOL DISCIPLINE

[HB 327](#) Public Schools-School Resource Officers-Prohibited Conduct (Washington and Ivey) provides that a school administrator or official or a school safety coordinator may not direct a school resource officer to enforce discipline-related school policies, rules, regulations or procedures. It also provides that a school resource officer may not unilaterally enforce discipline related school policies, rules, regulations or procedures. Current law provides that each local school system designates a school safety coordinator certified by the Maryland Center for School Safety to serve as a liaison between the local school system, local law enforcement and the Center. The Center in consultation with local school systems develops a curriculum for training school resource officers and school security employees and submits it to the Maryland Police Training and Standards Commission for approval. The curriculum includes training in de-escalation and diversity awareness with attention to racial and ethnic disparities. Hrg. 2/5, 2pm W&M.

HB 328 State Department of Education-School Discipline-Data Collection

(Washington et. al.) provides that the State Department of Education will make public all discipline related data on the Maryland Report Card website at the State, school system and school level. It requires the Department to disaggregate discipline data by grade, race, ethnicity, special services and gender as it relates to disproportionate disciplinary practices of a local school system or school. The Department will report the disproportionality data for any school identified as high suspending and include alternative schools and programs and public separate day schools. Hrg. 2/05, 2pm W&M.

HB 277/SB367 State Department of Education – Guidelines on Trauma – Informed Approach

(Wilkins et. al./Washington et al.) establishes a Trauma-Informed Schools Expansion Program and Trauma Informed Schools Expansion Program Fund. The Fund will be used to expand the use of trauma-informed approach used in schools and train schools in this approach. The trauma-informed approach is a method for understanding and responding to a person with chronic interpersonal trauma or traumatic stress symptoms. The Department of Education and the Maryland Departments of Health and Human Services will develop guidelines on a trauma-informed approach to implement policies and identify students, teachers and staff who have experienced trauma and develop curriculum for training and offer training on becoming a trauma informed school. The Department shall select one school each from a metropolitan, suburban and rural area of the State to voluntarily participate in the Program and receive training, monitor the selected schools' progress in becoming a trauma-informed school and provide any necessary assistance. The Department will present a yearly report to the Governor. Hrg. 2/05, 2pm W&M; EHE.

Kathy Vanston

EQUALITY OF OPPORTUNITY

HB 417/SB 400 State Employment – Wage History and Range (Barron et al/Kagan et al) would prohibit any branch of state government from retaliating against an applicant for not providing the applicant's wage history. The appointing authority may rely on the applicant's wage history if it does not create an unlawful pay differential based on gender. Hrgs. 2/4, ECM; 2/20, FIN

Update on bills previously reported in RSC:

HB 123/SB 217 Labor and Employment – Wage History and Wage Range (Young et al/Lee et al) Hrg. changed to 2/4 ECM (RSC-1)

SB 530 Housing Opportunities Made Equal Act (Smith et al) a cross file of HB231 (RSC-1) Hrg. 2/4, JPR

Ruth Crystal

MEETING BASIC HUMAN NEEDS

HB 491 Landlord and Tenant – Repossession for Failure to Pay Rent – Lead Risk Reduction Compliance (Rosenberg) states when a landlord submits a complaint to

District Court for a tenant's failure to pay rent, it shall include proof of valid registration or license for the property (if located in a jurisdiction that requires registration or licensing) and whether the property is an affected property under lead paint abatement laws. Properties in Baltimore City must be in compliance with lead-paint abatement requirements before the landlord can file for repossession. Court would be authorized to adjourn the trial if these documents are not presented. Hrg. 2/18, ENT

[HB 680](#) Earned Income Tax Credit-Individuals without Qualifying Children – Calculation and Refundability (Wilkins et al) states that individuals without qualifying children can earn 100% of federal EITC against the state income tax and claim a refund if the refund is in excess of what they owe in state income tax. Hrg. 2/20, W&M

[HB 744](#) Landlord and Tenant – Residential Leases – Tenant Rights and Protections (Tenant Protection Act) (Stewart et al) identifies a series of protections that are to be provided to tenants including a written explanation of any ratio utility billing system the landlord uses; the return of security deposits within 30 days; authorizing a tenant to terminate their lease if the landlord fails to repair serious defects within a reasonable time after being notified by the tenant ; and requiring landlord to pay relocation costs if the serious defects in unit are not repaired. ENT

[SB 539](#) Labor and Employment – Family and Medical Leave Insurance Program Establishment (Hayes et al.) would create a program to provide benefits to an employee who is taking leave from employment to:

- Care for a child or family member,
- Attend to a serious health condition,
- Care for a service member who is next of kin, or
- Attend to a qualifying exigency of that service member.

Beginning January 2021, .5% (equally divided between employee and employer contributions) shall be contributed to the fund for each employee. Beginning July 2022, an employee who has worked for the employer at least 680 hours in the preceding 12 months may file to take up to 12 weeks leave.

Employees whose weekly salary is least that the state average weekly salary, shall receive 90% of their weekly salary during their leave. Those who earn more than the state average weekly salary shall earn 90% of their salary up to that average salary, and 65% of the amount of their average salary that is above the state average salary. Employers are required to restore their employee to an equivalent position at the end of their leave and continue to pay all benefits while the employee is on leave.

Ruth Crystal

HEALTH

[HB 643](#) The End of Life Option Act (Richard E. Israel and Roger “Pip” Moyer Act) (Pendergast plus 52) is the same as the 2019 bill, [HB 399](#). A qualified adult residing in Maryland with a terminal illness would be able to obtain a prescription from a licensed physician to end their life. Polls show that about 66 percent of Marylanders support the

bill. MedChi, the Maryland State Medical Society, has taken a neutral position on the bill and the issue. HGO; JUD

HB 134 Health Insurance – Prescription Insulin Drugs – Limitations on Copays and Coinsurance (Reznik and Valderrama) would limit the combination of copays and coinsurance to no more than \$100. Hrg. 2/6, 1pm HGO

HB 455/SB 334 Health Insurance – Coverage for Mental Health Benefits and Substance Use Disorders Benefits – Treatment Criteria (Kelly/Augustine and Hester) would require carriers and HMOs to submit a report on their mental health and substance abuse benefits, also their excluded benefits and each non-quantitative treatment limitations. They would also have to list the factors used to determine these decisions and the number of claims submitted. The report would list the person or persons responsible for making the decision. Hrg. 2/19, 1pm FIN; HGO

HB 332/SB 441- Mental Health – Emergency Facilities List – Comprehensive Crisis Response Centers, Crisis Stabilization Centers, and Crisis Treatment Centers (Bagnal, et al) would require the Health Department to add these facilities to the list they prepare each year for the public. Hrg. 2/12, 1pm HGO; 2/18 1pm FIN

HB 374/SB 453 Behavioral Health Administration – Children with Mental Disorders – List of Available Services (Barron, et al/ Pinsky, et al) would make a list of available child and adolescent services available for parents of patients and others. Hrgs. 2/5, 1pm HGO; 2/18, 1pm FIN

SB 228 Public Health – Commission on Universal Health Care (Pinsky) sets the criteria for a Commission to study and develop a plan for a Single Payer System of health care by January 1, 2023. This is Senator Pinsky's Single Payer bill that he puts in each year. Hrg. 2/18, 1pm FIN

SB 237 Vehicle Laws – Protective Headgear for Motorcycle Riders – Exception, (Hough, et al) would repeal the helmet requirement for riders with two years' experience and certain training. It is the same bill that has been dropped for many years. In 2019 it was SB981. Hrg. 2/4, 1pm JPR

SB 309 Drugged Driving – Oral Fluid Tests- Pilot Program (Kagan and West) would institute a county by county volunteer pilot program using an instrumented analyzer to determine use of drugs or driving while impaired. The results would be available in 15 minutes and would not be admissible in court and would not force the driver to take a blood test. Hrg. 2/21, 1pm JPR

Update on bills previously reported in RSC:

HB 3/SB 233 Business Regulation – Flavored Tobacco Products – Prohibition (Davis & Augustine, et.al) Hrg. 2/13, 1pm FIN

SB 3 Electronic Smoking Devices, other Tobacco Products and Cigarettes,

Taxation and Regulation (McCray) Hrg. 1/2, 1pm B&T

[SB 54](#) Electronic Smoking Devices – Added Flavoring – Prohibition on Shipping, Import or Sale (Lam and Kelley) Hrg. 2/13, 1pm FIN

Neilson Andrews

TRANSPORTATION

[HB 351](#) Land Use and Vehicle Miles Traveled Workgroup (Stewart plus 14) establishes and authorizes a workgroup to investigate and develop a strategy using vehicles miles traveled measurements that address policies dealing with land use, business, transportation and certain programs. The bill organizes data, some of which is already being gathered, so environmentally informed decisions can be made. Hrg. 2/12, ENT

[HB 368/SB 424](#) Maryland Transit Administration – Funding (Transit Safety and Investment Act) (Lierman plus 38/ Zucker plus 12) provides appropriations that would be required to be allocated within the Transportation Trust Fund for operating and capital needs of transit. These would be separate from capital funds used for planning, engineering and completion of special projects. Hrgs. 2/04, APP; 2/12, B&T

[HB 432/SB 423](#) Maryland Transit Administration – Conversion to Electric Buses (Electric Bus Transition Act) (Korman plus 23/ Zucker plus 17) aids in transitioning to an electric bus fleet by requiring the MTA from 2022 onwards to only purchase electric buses. Included in the plan are requirements to specify the effects using evaluation and documentation. Hrg. 2/18, ENT; EHE

Numerous bills have been submitted in regard to the Chesapeake Bay Bridge with a broad topical range; some concern counties that may be affected, advisory groups for reconstruction, traffic studies, finances and placement.

Update on bills previously reported in the RSC:

[SB 123](#) Maryland Transportation Authority – Video Streaming and Archiving – Open Meetings ([RSC 1](#)) cross filed with HB 72. Hrg. 2/05, EHE

[HB 194](#) State Highway Administration – Highway Work Permits – Pedestrian Access (Pedestrian Access Act of 2020) ([RSC 1](#)) cross filed with SB 285. Hrgs. 2/13, ENT; 2/12, FIN

[HB 205](#) Southern Maryland Rapid Transit Projects – Requirements and Funding ([RSC 1](#)) cross filed with SB 105. Hrg. 1/28, APP

[HB 292](#) Toll Roads, Highways, and Bridges – County Government Consent Requirement – Expansion ([RSC 1](#)) cross filed with SB 229. Hrg. 2/13, ENT

Bee Ditzler

ENVIRONMENT: CLIMATE CHANGE

HB 517 Constitutional Amendment – Environmental Rights (Stewart plus 18)

requires an amendment to the Maryland Constitution to establish that every person has the right to a clean and healthy environment because the State's natural resources belong to everyone, including present and future generations. The State has an obligation to preserve, conserve, protect and maintain these resources. Unreasonable degradation of these resources is prohibited, and individuals have the right to sue the State to protect these natural resources. This bill also requires that an amendment to this effect should be submitted to the voters for action as a constitutional amendment. Hrg 2/19, ENT

HB 531 Utility Regulation – Consideration of Climate and Labor (Charkoudian plus 28) requires the Public Service Commission, in regulation of the electricity sector, to incorporate the impact of electric power plants on climate change, including the requirements of all federal and state environmental laws and to recommend conditions for compliance. The law describes these requirements and calls for the maintenance of fair labor standards for affected workers.

SB 538 Public Service Commission – Application for Certificate of Public Convenience and Necessity – Preservation of Environmental Quality and the Climate (Kelley plus 14) requires The Public Service Commission to consider environment and the impact on climate change when approving a certificate of public convenience and necessity for a generating station, overhead transmission line or qualified generator lead line. The recommendation of the governing body of each county or municipality must be considered as well.

HJ 01 Declaration of a Climate Emergency and Implementation of a Climate Mobilization Effort (Hill) requires a “climate mobilization” to reverse global warming no later than 2030 and remove all excess carbon from the atmosphere. It calls for a rapid, just phase-out of fossil fuels, a full transition to a regenerative agriculture system and an end to the sixth mass extinction through widespread conservation and restoration of ecosystems. The resolution calls for the State of Maryland, the Congress, the U.S. President and all governments and people worldwide to do the same.

Betsy Singer

ENVIRONMENT: LAND USE

HB 351 Land Use and Vehicle Miles Traveled Workgroup (Stewart et al.) would establish a workgroup to develop a State strategy that identifies State and local land use policies, business incentives and transportation policies, investments and programs. It is predicated on the assertion that vehicle miles affect our climate, and the results of land use that affect where workers live and the lack of mass transportation in those areas. Hrg. 2/12, ENT

Susan Cochran

ENVIRONMENT: STORMWATER, BAY, PHOSPHORUS, PESTICIDES, RECYCLING, AIR, & OTHER

HB 457/SB 371 Environment - Drinking Water Outlets in School Buildings -

Testing for Elevated Level of Lead (Rosenberg/Carter plus 3) would alter the definition of the level of lead to not exceed 5 parts per billion – rather than the less stringent EPA requirement – and would require a regular testing schedule. Hrgs. 2/19, 1pm ENT; 2/11 1pm, EHE

HB 517 Constitutional Amendment - Environmental Rights (Stewart plus 18) proposes a constitutional amendment specifying that people have a right to a clean environment and a right to speak up and intervene in State actions if this is not happening. Hrg. 2/19, 1pm ENT

HB 619 Environment - Use of Fire-Fighting Foam Containing Perfluoroalkyl and Polyfluoroalkyl Substances – Prohibition (P. Young plus 11) would prohibit, on or after October 1, 2021, the use of fire-fighting foam containing perfluoroalkyl and polyfluoroalkyl substances for firefighter training purposes; and establishing a civil penalty of up to \$500 for a first violation of the Act and up to \$1,000 for subsequent violations.

HB 689 Maryland Environmental Policy Act - Consistency with National Environmental Policy Act (Rosenberg plus Stein) would require State methods, procedures, and regulations to be consistent with the National Environmental Policy Act as existing on January 1, 2020. ENT

HB 772/SB 478 Maryland Green Purchasing Committee - Food Procurement - Greenhouse Gas Emissions (Gilchrist plus 27; Lam plus five) would require the Maryland Green Purchasing Committee to develop a methodology to reduce greenhouse gas emissions from state food purchases. HGO; EHE

SB 242 Natural Resources - Wild Waterfowl Policy – Repeal (Bailey) would repeal provisions of law authorizing the Department of Natural Resources to issue a license to feed waterfowl and opening licensed areas to inspection. Hrg. 1/29, EHE

SB 254 On-Site Sewage Disposal Systems - Inspection – Licensing (Young) would prohibit an individual from engaging in the business of inspecting an on-site sewage disposal system unless the person pays for and holds a septic inspection license issued by the Department of the Environment on or after May 1, 2021; also would require the Department to adopt regulations for septic inspection licenses on or before January 1, 2021. Hrg. 2/11, 1pm, EHE

SB 257 Fishing Gear - Crab Pots - Ghost Panel Requirement (Bailey & Elfreth) would require the Secretary of Natural Resources to adopt regulations requiring that all crab pots be equipped with ghost panels designed to allow crabs to escape from a crab pot after a period of time if the crab pot has been abandoned or lost. Hrg. 1/29, EHE

SB 323 Environment – Supplemental Environmental Projects and Study on Discharge Permit Fees (Simonaire) would require the Dept. of the Environment to use supplemental environmental projects as part of enforcement actions on water issues

when appropriate and study fee rates as well. Hrg. 2/11, 1 pm, EHE

[SB 414](#) State Finance and Procurement - Chesapeake Bay Watershed States - Expenses and Contracts (Quit Polluting My Bay Act of 2020) (Kramer plus Carter) would prohibit reimbursements to a state and contract awards to a business when two or more pollution sources have been associated with them. EHE

[SB 491](#) Regulation of Invasive Plants - Bamboo – Prohibitions (Kramer) would prohibit growers of bamboo from letting it spread and invade other properties and would establish a system of fines. Hrg. 2/11, 1pm EHE

[SB 495](#) Bay Restoration Fund – Use of Funds – Municipal Wastewater Facilities (Eckhardt plus 2) would allow the use of the Bay Restoration Fund to help with the costs of connecting an onsite sewage disposal system to a municipal wastewater facility that has plans for enhanced nutrient removal. Hrg. 2/11, 1pm EHE

[SB 582](#) Natural Resources - State Lakes Protection and Restoration Program and Fund (Edwards) would alter the State Lakes Protection and Restoration Fund to include removing sediment, treating contaminated sediment, preventing invasive species, and improving other values and requiring a minimal annual expenditure of \$3 million. EHE; B&T

[HJ 03/SJ0003](#) Natural Resources - Fishing - Wild-Caught Blue Catfish (Stein/Guzzone plus ten) would oppose some federal rules that inhibit the commercial catching of this invasive species as a way of controlling it. HRU; EHE

Update on bills previously reported in the RSC:

[HB 13/SB 28](#) Solid Waste Management - Prohibition on Releasing a Balloon Into the Atmosphere (Hartman plus six; Lam plus three) Favorable report by EHE

[HB 161](#) Nutrient Management - Professional Fertilizer Applicators - Requirements and Penalties (Chair, ENT, for Dept. of Agriculture) Hrg. changed to 2/12, 1pm, ENT

[HB 165](#) Solar Photovoltaic Recycling (Miller plus five). Hrg. 2/13, 1pm, ECM

[HB 177](#) Environment - Water Infrastructure Assets - Authorization of Emergency Actions and Establishment of Emergency Reserve (Chair, E&T, Barve) Hrgs. 2/18, 1pm ENT; APP

[HB 179](#) Maryland Recycling Act - Recyclable Materials and Resource Recovery Facilities – Alterations (Charkoudian plus 20) Hrgs. 2/11, 1pm ENT; ECM.

[HB 209/SB 313](#) Plastics and Packaging Reduction Act (Lierman plus 43; Augustine plus 23). Hrg. 2/20, 1pm FIN

[HB 229/SB 300](#) Pesticides - Use of Chlorpyrifos – Prohibition (Stein plus 30; Lam plus 10) Hrgs. 2/12, 1pm ENT; 2/11, EHE

[HB 296](#) Environment - Single-Use Plastic Straws - Use in a Food Service Business (Love plus 10) Hrgs. 2/19, 1pm ECM; ENT

[SB 07](#) Maryland Green Building Council – Membership (chair, B&T, for Dept. of General Services) Hrgs. 1/09, 2pm B&T; ENT

[SB 18](#) Environment - Lead Poisoning Prevention Commission (Chair, EHE, for the Dept. of the Environment) Passed Senate; ENT

[SB 86](#) Natural Resources - Fishing and Hunting Rights (Simonaire) Favorable report with amendments by EHE

[SB 92](#) Secretary of Agriculture - Weed Control Law (Chair, EHEA, for Dept. of Agriculture) Passed Senate; ENT

[SB 114](#) Natural Resources - Nuisance Organisms - Pilot Projects and Northern Snakeheads (Chair, EHE, for Dept. of Natural Resources) Favorable report by EHE

Linda Silversmith

BUDGET

On January 15, the Governor released **[SB 190/HB 151](#)** his proposed Fiscal 2021 budget. It totals \$48.9 billion, an increase of 1.6% over last year. Proposed general fund spending would increase by 1%. Required to be balanced, the proposal depends on **[SB 192/HB 152](#)** the Budget and Reconciliation Act (BRFA, to be discussed in the next RSC) which cuts current year spending by \$530.6 million and raises expected current year revenue by \$157 million. While the Spending Affordability Committee (SAC) suggested a goal to eliminate the structural deficit, the Department of Legislative Services (DLS) predicts a \$37 million structural deficit to be carried in the next year. The Governor's proposed tax relief for various targeted groups (see Taxes below) would result in revenue losses of \$17.9 million this year and more in later years. The budget also assumes that the Governor will not release almost \$238 million in funds that were restricted by last year's legislature and never spent K-12 education formulas and Blueprint (Kirwan) mandates are fully funded with an additional \$9.4 million of discretionary funds provided to hold harmless four jurisdictions which have decreasing enrollments and would, thus, receive lower state aid.

Tuition increases at the University System of Maryland and Morgan State would be held to 2%. Aid to community colleges is proposed at \$18.2 million.

Although rates for human services have been mandated to increase by 4%, the governor recommends 2%. Salaries for State employees will increase by 2% on January 1, 2021. Members of the State Law Enforcement Officers Labor Alliance will receive a 4% general salary increase plus merit increases effective July 1, 2020.

General funds rather than Transportation Trust Funds will provide \$125 million of the \$167 million required to be given annually to the Washington Area Transit Authority (WAMATA). \$10 million in general funds is budgeted toward improvements to the Howard Street Tunnel in Baltimore.

Emphasizing that crime is a major priority, the governor is proposing \$74.5 million for police aid to local governments, \$38.7 million for local government law enforcement grants, \$272 million for community and residential youth and juvenile services, and \$862 million for mental health and substance abuse programs.

In environmental areas, \$57.2 million for the Chesapeake and Coastal Bays Trust Fund, \$280 million for protection and water quality and \$250.5 million of Project Open Space are also proposed.

Overall state aid to local governments (including schools which are 85.1% of the total) would be up 3.6%.

The budget will be discussed and debated by the General Assembly throughout the Session. By law, it must be passed by the 83rd day of the Session. The Governor has the option of submitting Supplemental Budgets throughout the year.

Barbara Hankins

TAXES

[HB 195/SB 223 Commission on Tax Fairness and Reform](#) (Dumas et al./Feldman et al.) establishes a commission to examine the State's revenue structure and make recommendations to ensure fairness and a business-friendly environment. Hrgs. 2/4, 1pm W&M; 1/29, 1pm B&T

[HB 295 Combined Reporting](#) (Lehman et al.) would require corporations operating in more than one state to file an income tax return that includes all operations. It also requires that a portion of the proceeds be deposited in the Blueprint for Maryland's Future Fund. Hrg. 2/12, 1pm W&M

[HB 342/SB 278 Retirement Tax Reduction Act of 2020](#) (Speaker/President for the Administration et al.) would allow a reduction in retirement income of \$10,000 starting in fy 2022 and increasing by \$10,000 each year for five years for retired correctional officers and emergency personnel. Hrgs. 2/14, 1pm W&M; 2/5, 2pm B&T

[HB 350/SB 269 Income Tax Subtraction Modification - Correctional Officers, Law Enforcement Officers and Fire, Rescue, and Emergency Services Personnel.](#) (Speaker/President for the Administration et al.) lowers the age from 55 to age 50 when "Hometown Heroes" can take a reduction in amount of taxable retirement income. Hrgs. 2/14, 1pm W&M; 2/5, 1pm B&T

[HB 361/SB 280 Income Tax Subtraction Modification – Military Retirement Income.](#) (Speaker/President for the Administration et al.) phases in over two years a provision to

increase the amount of military retirement income exempt from taxation to 100%. Hrgs. 2/14, 1pm W&M; 2/6, 1pm B&T

[HB 400](#) Tax – General-Vaping Product Tax (Pena-Melnyk et al.) would impose a tax on vaping products, the revenues to be deposited in the State Reinsurance Program. Hrgs. 2/11, 1pm W&M

[HB 473/SB 219](#) Income Tax – Carried Interest – Additional Tax (Mosby et al/Pinsky et al.) is a 17% income tax that would be imposed on fees for investment management and its share of profits (carried interest) for certain partnerships, S Corporations and other entities which pass through profits to shareholders. Hrgs. 2/12, 1pm W&M; 1/29, 1pm B&T

[HB 258](#) Maryland Estate Tax Unified Credit (Wilkins et al.) would reduce the amount of the estate tax unified credit (the amount that is not taxed) to \$1 million from the current \$5 million. Hrg. 2/12, 1pm W&M

Bills reported on previously in RSC:

[SB 02](#) Digital Advertising Gross Revenues - Taxation Hrg.1/29, B&T

[SB 58](#) Expansion of Commercial Gaming - Referendum - Sports Wagering Hrg. 1/29, B&T

[SB 122](#) Economic Development - Opportunity Zone Incentives - Alteration of the More Jobs for Marylanders and Opportunity Zone Enhancement Program Hrg. 1/15, B&T

[HB 185/SB 223](#) Commission on Tax Policy, Reform, and Fairness Hrg. 2/4, W&M; 1/29, B&T

Barbara Hankins

CAMPAIGN FINANCE

[HB 99](#) Election Law - Campaign Finance Entities – Termination (By Request – State Board of Elections) clarifies that 8 years after a candidate has finished their term of office, or 8 years after the last time they ran for office (whichever was later) and they still have funds in a campaign account, no later than 6 months before they are required to terminate the campaign account, the State Board of Elections must notify the campaign officers and candidate of the date by which they are required to pay all outstanding obligations, dispose of the remaining assets in the account (in accordance with previously enacted law) and file a final campaign finance report. Hrg. 2/6, W&M

[HB 198](#) Election Law – Online Campaign Material - Use of Deepfakes (Cain, Bartlett, Carey, Chang, and Chisholm) defines “Deepfake” as a photograph or audio or video recording that has been enhanced or altered using computer generated software that depicts something that **did not** actually occur and is campaign material that is available online to the public. The law would prohibit any candidate, campaign finance

entity or any agent of a candidate or campaign finance entity from attempting to influence a voter's decision about who to vote for, or their decision about whether to vote, by publishing, distributing or disseminating a Deepfake within 90 days before an election. If the material is conspicuously labeled as being altered, the prohibition would not apply.

The legislation does not require the online service provider to enforce this provision. Rather, it is the responsibility of any candidate or campaign entity to report a Deepfake to the State Administrator of the Board of Elections (SBE) so SBE can conduct an investigation including the issuance of subpoenas for a witness or witnesses, or the production of records. If, after due process, a preponderance of evidence indicates that a person is guilty of violating this law, they will be convicted of a misdemeanor and subject to a penalty, or jail time or both. Hrg. 2/6, W&M

[HB 376](#) Election Law – Campaign Finance – Protection of Contributor Information is exactly the same as **[SB 129](#)** that was reported on in **[RSC 1](#)**. Interestingly, the fiscal notes for both bills state that there is no designated cross-file. Hrg. 2/6, W&M

[HB 337/SB 298](#) Election Law – Local Public Campaign Financing – Boards of Education (Ebersole plus 8/ Lam plus 6) is previously the General Assembly passed legislation allowing local jurisdictions to establish a voluntary public campaign finance programs for candidates for county council and County Executive. Montgomery, Howard, Prince George's and Baltimore City have taken advantage of this previously passed enabling legislation. HB 337/SB 298 would give counties the option to expand public financing programs for candidates for the Board of Education. It requires the counties to establish criteria for participating in the program and to provide the funds and staffing necessary to administer and audit the public campaign finance program. It excludes student members who are elected to a Board of Education from participating in public campaign financing. Hrg. 2/6, W&M

[HB 437](#) Campaign Finance Reports – Business Contributors – Registration Status (Mosby) would require the State Department of Assessments and Taxation to electronically transmit a list of all businesses that are registered with the Department and all businesses that forfeited their registrations to the State Board of Elections who would transmit that information to all active campaign entities. When the campaign entity files their campaign finance report, they would need to identify any contribution that was made by a business that is registered and by those that have forfeited their registration. This is different than similar legislation that was submitted last year that required the SBE to compare the list of businesses in their complete database with the list provided by the State Department of Assessments and Taxation. In other words, this puts the responsibility for checking whether a business is a registered Maryland business on the candidate who is accepting the donation and not on SBE. Hrg. 2/6, W&M

[HB 465](#) Election Law – Campaign Material – Disclosure of the Use of Bots (Cain and Rosenberg) defines a "BOT" as an automated online account where all or

substantially all of the actions, or posts, of that account are not the result of a person. “Online” is defined as a public-facing website, web application, or digital application including a social network or publication. This legislation would require anyone who uses a bot to influence an election to disclose in a clear and conspicuous manner on the campaign material that a BOT is being used. The State Board of Elections would be authorized to ask for removal of the BOT for failure of disclosure. Online service providers will not be responsible for knowing when a BOT is in use. The person who is found guilty of violating the disclosure requirement would be subject to a fine, jail time, or both and would be ineligible to hold any public or party office for 4 years after the date of the offense. Hrg. 2/11, W&M

HB 534 Election Law – Campaign Finance Entities – Responsible Officers (Mosby and Cain) makes a number of clarifications in election law in regard to the officers of a campaign, a form they must file with the State Board of Elections, and requires notification of a change of address of any responsible campaign officer no later than 21 days before the next campaign finance report is due. It also has provisions about required procedures for replacing an officer and notifying the Board of Elections if a vacancy occurs. And finally, it prohibits a family member (as defined in the bill) from serving as the Treasurer of a candidate campaign committee. An employee of the candidate, including an employee of a business owned by the candidate, would also be prohibited from serving as a Treasurer. Hrg. 2/11, W&M

HB 538 Campaign Finance – Revisions (Mosby and Cain) would allow the treasurer of a campaign finance entity to “approve” rather than “make” a disbursement on behalf of a campaign, but would prohibit the treasurer of a state or county political party central committee from “approving” versus “making” a disbursement. It also states that if a treasurer a campaign finance entity is temporarily unable to perform the duties of the office, the chairman of the campaign finance entity may approve a disbursement providing they submit a full report to the treasurer within 7 days of giving approval. It also adds the requirement that campaign finance entities that are liable for civil penalties due to violation of campaign finance rules, must submit bank statements that document all expenditures made during the reporting period with each report. These bank statements must continue to be submitted for 2 years after the civil penalty was imposed on the campaign. Hrg. 2/11, W&M

Nancy Soreng

ELECTIONS

HB 392 Election Law – Security of Election Systems (Rosenberg) states the election administration depends on highly complex information technology to maintain voter registration lists, record when voters check in at a polling place or request an absentee ballot, produce ballots, and count votes. News reports regarding the efforts of some foreign governments to hack into American election systems have heightened concerns about the security of all systems used in administering elections. This bill would require that the Board of Elections include in any contract for election-related technology or services requirement that : the vendor disclose the country of origin of any component manufactured outside the United States and steps taken to ensure that the

manufacturing was secure; that any system for recording and counting votes be certified by the federal Election Assistance Commission as complying with the most recent guidelines; any system for recording and counting votes be manufactured in the United States; any election systems include safeguards to prevent the use of hardware or software not certified as secure; and the Board of Elections decertify any existing election system that had not been certified by the Election Assistance Commission as complying with security guidelines. Hrg. 2/6, 1pm, W&M

HB 487 Election Law – Early Voting Centers – Accessibility by Public

Transportation (Crosby plus 4) is the law authorizing Early Voting Centers specifies that such centers must satisfy the requirements for election day polling places. In addition, the State Board of Elections has issued regulations specifying that, in counties with more than three Early Voting Centers, they must be located so that 80 percent of registered voters live within 5 miles of a center. This bill would add a requirement that, in a county with public transportation running on fixed routes, each Early Voting Center would be within one-quarter mile of a transit stop. Hrg. 2/11, 1pm W&M

HB 627 Courts – Prosecution for Election Law Violations – Limitation (M. Jackson)

under the current law, is a prosecution for a misdemeanor or imposition of fine for violation of election law must begin within 3 years of the violation. This bill would increase the length of time to 5 years. Hrg. 2/11, 1pm W&M

SB 251 Election Law – Special Elections – Calendar Revisions (Pinsky et al.)

under current law, is when the Governor issues a proclamation to schedule a special election to fill a vacancy at a time other than a regular primary or general election, (for example, for U.S. Representative), candidates have until 21 days before that special election to file their candidacy. This bill would change that deadline to 21 days after the issuance of the Governor's proclamation, which would shorten the time for such candidate filings by about 23 days. It would also clarify that a write-in candidate must file a certificate of candidacy not later than 7 days after spending at least \$51 on their campaign or 7 days before the date of the special election. Reported favorably by EHEA on 1/22, approved by the Senate on 1/24. Hrg. 1/29, W&M

SB 362/HB 555 Election Law - Absentee Ballots - Timing of Canvass (Kagan/Mosby

and Cain) under current law, the absentee ballots are not opened until the Wednesday morning after the election. At that time, the individual's voting record can be updated to show that an absentee ballot was received. This updating must be completed before provisional ballots can be counted, in order to ensure that no voter can submit more than one ballot. For the 2020 election, the State Board of Elections is requiring that the data from pollbooks be transmitted over a secure internet connection to the local Board of Elections to ensure that the voter records were updated. Concerns were expressed about the cost of the equipment needed for internet transmitting of data and potential vulnerabilities of such equipment. It was also suggested that beginning the examination of absentee ballots the morning after the election risked error from worker fatigue. These bills would delay the canvass by two days, to begin on the Friday following the election. Hrg. 2/6, 1pm EHEA; Hrg. 2/11, 1pm W&M

[HB 568](#) Election Law - Correctional Facilities - Voter Registration and Voting

(West plus 15/Mosby plus 23) under Maryland law, a person convicted of a felony may not vote but is entitled to register to vote upon release from prison. Others who are held in custody, either awaiting trial or on conviction of a misdemeanor, continue to be eligible to vote. This bill would require the Department of Corrections to provide voter registration forms and information on voting to those being released from prison. It would also require the State Board of Elections to establish a program to provide voter registration and absentee ballot information to persons held in custody but still eligible to vote. The bill further requires the Department of Corrections to cooperate with the Board of Elections to facilitate voter registration and requires the Board of Election to report to the General Assembly on the implementation of the program. Hrg. 2/11, 1 pm W&M

[SB 390](#) Election Law – Candidate Defeated in Primary Election – Write-In

Candidacy in General Election Prohibited (Peters plus 6) under current law, an unsuccessful candidate for the nomination of a party for a public office cannot qualify for the ballot by petition or by being nominated by another party, but is allowed to file as a write-in candidate for the general election. This bill would add a provision stating that the person defeated in a primary may not file as a write-in candidate for any office in the general election.

Updates on Bills previously reported on in RSC:

[HB 37](#) Election Law - References to Absentee Voting in Communications - Mail-In Voting (RSC 1). Approved with amendments by the W&M on 1/30. Passed the House 99-37 on 1/31

[HB 197](#) Election Law - Qualification of Voters - Proof of Identity (RSC 1). Hrg. 2/6, 1 PM W&M

[HB 245/SB 647](#) Election Law – Institutions of Higher Education – Voter Registration and Voting by Students (Student Voter Empowerment Act of 2020) (RSC 1). Senate version (Lam, Patterson, and Rosapepe) introduced on 2/3. Hrg. 2/6, 1 pm W&M

[HB 268/SB 396](#) Election Law - Deadline for Selection of Lieutenant Governor (RSC 1). Senate bill (Pinsky, Feldman, Lam, Lee) introduced on 1/27. Hrg. 2/6, 1 pm W&M

[SB 10](#) General Assembly – Special Election to Fill a Vacancy in Office (RSC 1). Reported favorably by EHEA on 1/24.

[SB 33](#) Election Law - Voting by Absentee Ballot - Prepaid Postage for Return of Ballots (RSC 1). Reported favorably by EHEA on 1/24. Passed Senate on 1/30.

Ralph Watkins

REDISTRICTING REFORM

[SB 284/HB 346](#) Elections - Legislative and Congressional Redistricting and Apportionment - Commission and Process (By Request - Administration et

al./Administration et al.) seeks a constitutional amendment to establish a multi-partisan redistricting commission for the purpose of drawing both congressional and legislative district lines. The bill sets out a process for selecting nine commission members that would equally represent the majority party (described as that of the governor, if the governor is a member of a principle political party, otherwise, it shall be the principal party whose candidate received the highest number of votes of any party), the principal minority party (the party whose gubernatorial candidate received the second highest number of votes of any party at the preceding election), and members who are continuously not registered with a principal political party.

The process for selecting these members would be carried out by the State Ethics Commission. The bill lays out a specific pooling process for receiving and assessing applications to be on the redistricting commission, and restrictions for serving on the commission that would limit member's familial relationships to Maryland politicians, or conflict of interests related to their profession (e.g. recently employed registered lobbyists, government staffers, candidates or office holders) and would also be representative of the diversity of Maryland.

The bill goes on to call for transparency of the map drawing process by the commission, and an opportunity for public input before and after the maps have been drawn. Completion of any redistricting plan by the commission would require a report explaining the basis on which its decisions were made, and an explanation of the terms and standards used to draw the plan. Hrg. 2/6, EHE; HRU

SB 266/HB 341 Legislative and Congressional Redistricting and Apportionment (The President By Request - Administration et al./Administration et al.) calls for an amendment to the state constitution that would require every legislative district to be divided into three single-member districts (rather than electing three members at large within a senatorial district, or having one district for one delegate, and one for two delegates).

The bill goes on to call for a change in the standards applied to legislative (state level) and Congressional (federal level) districts during the redistricting process. The standards include: respect for natural boundaries, as well as municipal corporations, counties or other political subdivisions; geographic compactness; no consideration of voter registration, voter history, or political affiliation; no consideration of where any individual may live; and, population deviation of no more than two percent for all districts.

The redistricting process in this bill is laid out in consideration of the creation of an independent redistricting commission to carry it out. The process outlined allows for a special session of the General Assembly to be called, as well as terms for one attempt for the commission to amend any rejected plan. Plans must be approved by three-fifths. Further, the bill gives original jurisdiction to the Court of Appeals to establish a district plan if no plan can be achieved, and to consider the legality of any plan that may be

challenged. It also excludes the Attorney General from prosecuting and defending the State in cases regarding legislative or congressional district plans. Hrg. 2/6, EHE; HRU

SB 967 Legislative and Congressional Districts – Criteria and Open Hearing Process (Fair Maps Act) (Washington, Lam, Lee & West) would create standards for Congressional districts that mirror those of our state legislative districts, stating they should be compact, contiguous, and give due regard for political subdivisions and natural boundaries. For both Congressional and legislative districts, this bill reinforces the language of the Voting Rights Act of 1965 which protects communities from discrimination based on race. It provides additional protections for the diverse communities of Maryland, particularly, but not limited to racial, ethnic, economic, social, cultural, geographic, or historic identities. The bill also calls for a public participation in and transparency of the redistricting process. Hrg. 3/5 EHE

Update on Bills previously reported in the RSC:

HB 182/SB 204 Potomac Compact for Fair Representation (RSC-1) Hrg. 2/6, EHE

Ashley Oleson

TRANSPARENCY

HB 42/SB 67 Public Information Act - Applications for Inspection - Responses and Time Limits (Guyton/West) under current law states that a custodian of information that has received a request for public records in accordance with the Public Information Act has thirty days to deny or provide the information requested. This bill would shorten that to 7 days. Current law also says that if the custodian reasonably believes it will take more than 10 working days to produce the public record, the custodian shall inform the party making the request within 10 working days after the receipt of the request. This legislation requires the custodian to indicate within 5 working days the amount of time that the custodian anticipates it will take to produce the public record, an estimate of the range of fees that may be charged to comply with the request for public records, and the reason for the delay. This bill also reduces the amount of time that the custodian has to deny a request and explain the legal authority for the denial. Hrg. 2/11, HGO

HB 355/SB 272 State Commission on Criminal Sentencing Policy - Annual Report - Crimes of Violence (The Judicial Transparency Act of 2020) (By Request – Administration plus 35/By Request – Administration plus 14) would add reporting requirements for the Maryland State Commission on Criminal Sentencing Policy in their annual report. Currently the report must include any changes to the sentencing guidelines made during the preceding year; and a review of judicial compliance with the sentencing guidelines including compliance by crime and by judicial circuit. If this law is passed, for each case involving a crime of violence (as defined in the bill) the following information would be required: the crime for which the defendant was convicted, the sentence imposed, the applicable sentencing guidelines range, the disposition of the case as indicated on the sentencing guidelines worksheet for a conviction with a partially suspended sentence, the amount of time suspended and the percentage of the sentence suspended. For a sentencing event that departed from the guidelines, the

report must include the reasons for departure, the court and judicial circuit with jurisdiction over the case; and the sentencing judge. The sponsors of the bill believe that this information will be helpful in efforts to address violent crime in Baltimore City. Hrgs. 2/4, JUD; 2/6, JPR

HB 401 Public Information Act - Remote Access, Fee Complaints, Fee Waivers, and Inspection of Judicial Records (Open Government, Better Government Act) (Barron, Guyton, and Lierman) would add a number of provisions to the existing Public Information Act including a requirement that each custodian of public information expand remote access to public records to increase the transparency of government. It would require the Public Information Act Compliance Board to receive, review, and resolve complaints alleging that a custodian unreasonably failed to waive a fee under specified circumstances. It would also allow an applicant to file a complaint if they were charged more than \$200 for the material they requested. Formerly it was \$350. It also provides more clarity on access to judicial records. The bill clarifies that "Public Interest" as used in the PIA law means disclosure of requested information that sheds light on the operation or activities of government. Hrg. 2/12, JUD

HB 421/SB363 State Government – Open Meetings – Requirements and Application of Open Meetings Act (Maryland State Agency Transparency Act) (Korman plus three/Kagan plus 23) requires a number of state agencies to meet specific requirements in terms of announcing meetings, posting minutes, and live video streaming. These include the Maryland Technology Development Corporation, the State Board of Elections, Emergency Number Systems Board in the Department of Public Safety and Correctional Services, the Public Service Commission, and the Maryland Transportation Authority. Hrgs. 2/13, EHE; 2/18, HGO

Nancy Soreng

ADMINISTRATION OF JUSTICE

Judiciary

SB 393/HB 474 Court of Appeals and Court of Special Appeals - Renaming (Peters plus eight/ R. Watson plus 19) proposes a Constitutional Amendment that would change the name of the Court of Appeals to the Supreme Court of Maryland, its judges to be called Justices and the Chief Judge to become the Chief Justice of Maryland. The Court of Special Appeals would be called the Maryland Appellate Court. Hrgs. 2/12 12pm, JPR; 2/12 1pm, JUD

SB 415 Circuit Court Judges - Elections (Kramer plus three) proposes a Constitutional Amendment providing that when a vacancy occurs on the Circuit Court for any reason, the Governor shall appoint, with the advice and consent of the Senate, a qualified person to fill the vacancy. The appointed Judge will be subject to the approval or rejection of the voters in the jurisdiction that the Judge serves, without opposition (retention election) after one year and every 15 years thereafter. It also provides that In the case of the inability of a Circuit Court Judge to discharge the Judge's duties because of sickness or physical or mental infirmity, the General Assembly, with a 2/3 vote and the Governor's approval, may relieve the Judge of such duties. Circuit Court

Judges who are in office when this amendment goes into effect will remain in office until the next general election after the end of the Judge's term. Incumbent Circuit Court judges shall be reappointed within 15 days after the Amendment's effective date. Hrg. 2/12, 12pm JPR

HB 518/SB 596 Judges - Selection - Election - Tenure and Continuance in Office (Dumais and Cardin/ Kelley plus ten) states that if a judicial vacancy occurs in the office of the Circuit Court or an Appellate Court, for whatever reason, the Governor, with the advice and consent of the Senate, shall appoint a qualified person to that office. Members of the General Assembly are not disqualified for appointment. Following appointment to the Circuit Court or an Appellate Court, a Judge is subject to a retention election by the voters in the jurisdiction where the Judge serves, at the next general election after one year and every 14 years thereafter, without opposition. No Circuit or Appellate Judge shall serve after the age of 70. Clerks of the Court, Registers of Wills and other court officers will continue to be elected.

A Judge who is in office when the amendment goes into effect shall continue in office until the general election at the end of the Judge's term, when the Judge may be reappointed as provided in this amendment. If a Judge has not been elected or retained by the voters, that judge shall be appointed within 15 days after this amendment is in effect and will continue in office subject to the provisions of this amendment. Hrg. 2/12, 1pm JUD; 2/12, 12pm JPR

Sentencing

HB 323/SB 591 Criminal Procedure - Petition to Modify or Reduce Sentence (Maryland Second Look Act) (Barron plus 16/ West plus six) states that a person serving a term of confinement may petition the court to modify or reduce the sentence if the petitioner has served 20 years of the term without application of diminution credits, or the equivalent of 25 years with diminution credits, and it has been at least five years since the court decided the petitioner's previous request. The court in the county where the sentence was imposed shall hold a hearing after the court has determined that the petitioner is eligible to file and the State's Attorney has notified the victim(s). If a hearing is held, it should be in open court and the court shall state the reasons for its decision. Victims would be allowed to attend and to testify. The petitioner has a right to counsel and to a public defender if eligible.

The court shall modify the inmate's sentence to result in release within three years if the crime was committed when the petitioner was a minor and the court determines that the petitioner has matured and been rehabilitated and is no longer a threat to the public. The Court may not increase the length of a sentence. Both the Court and the petitioner may appeal a decision to the Court of Special Appeals. Hgs. 2/4, 1pm JUD; 2/5, 2pm JPR

Marlene Cohn

POLICE ACCOUNTABILITY

SB 454 Public Safety - Mandatory Mental Health Training - First Responders and

Law Enforcement Officers (Pinsky plus seven) states that each first responder and law enforcement officer in the state shall complete mental health awareness training approved by the Maryland Police Training and Standards Commission. Training should include how to connect persons with mental health illness to mental health services, how to use crisis de-escalation techniques, and how to identify persons with mental illness. Hrg. 2/13, 12pm JPR

Update on bill previously reported in RSC:

HB 166 Criminal Procedure - Law Enforcement Procedures - Use of Force Hrg. cancelled, bill withdrawn.

Marlene Cohn

CORRECTIONS

SB 68/HB 49 Criminal Procedure - Pretrial Release - Pretrial Risk Assessment Instruments (Waldstreicher/Palakovich Carr) requires a jurisdiction that uses a pretrial risk assessment instrument to determine the eligibility of a defendant for pretrial release, to have an independent validation study conducted on the instrument at least every three years. Hrgs. 1/21, 2 pm JPR; 1/21, 1pm JUD

SB 513 Criminal Procedure - Conditions of Pretrial Release - Home Detention Monitoring (Waldstreicher plus five) states that a District Court Commissioner may include, as a condition for pretrial release, a requirement that a defendant be monitored by a private home detention monitoring agency. In most cases, the defendant must pay the agency directly for this service. This bill proposes that a defendant does not have to pay the agency if the defendant qualifies as an indigent or if the service is provided by a state or local government. Hrg. 2/19, 12 pm JPR

SB 255 Correctional Services - Pregnant Incarcerated Individuals - Substance Abuse Assessment and Treatment (West) states that a pregnant individual who is incarcerated shall be screened for substance use disorder at intake using a validated screening test. If the person tests positive for pregnancy and substance abuse, she shall be referred immediately to a behavioral health care provider and a reproductive health care provider for a full assessment, counseling on available and recommended treatment options and, if appropriate, the initiation or continuation of medication. If the person was receiving treatment for opioid abuse prior to incarceration and desires to continue that treatment, the correctional facility shall ensure that the person continues to receive the same treatment without a break. If a person with opioid use disorder was not on medication before incarceration, she should receive appropriate recommended treatment in custody with her consent. If she declines treatment, she should be counseled on the risks associated with that decision.

Before a pregnant woman is released from custody, the correctional unit shall arrange health insurance coverage and refer her to a qualified reproductive health care provider and a community-based mental health and substance abuse specialist and provide her with a complete copy of her medical and mental health record. Hrg. 2/6 1pm JPR

SB 516 Correctional Services - Murder - Diminution Credits (Geraldine's Law) (Ready plus three) prohibits an inmate serving a sentence for murder in the first or second degree from earning diminution credits to reduce the term of confinement. Hrg. 2/19, 12 pm JPR

JUVENILE JUSTICE

Several bills deal with "sexting":

HB 272 Criminal Law – Obscene Matter – Sexting by Minor (Clippinger) exempts sexting by a minor from the law governing distribution or retention of obscene images of a minor. It defines sexting as "the sending of a sexually explicit photograph, image, or video of oneself to another by mobile telephone, computer, or other electronic device". It provides that such an act is subject to the jurisdiction of the Juvenile Court which may not sentence the minor to committed custody, except in extraordinary circumstances, but may require the minor to participate in a diversionary or educational program approved by the Department of Juvenile Services that addresses the risks and consequences of sexting. Hrg. JUD

HB 501/SB 365 Criminal Law –Child Pornography and Exhibition and Display of Obscene Item to Minors (Moon plus 8/Lee) add "an offense involving display of obscene material or child pornography" to a list of offenses for which a child may not be committed to the Department of Juvenile Services for out-of-home placement, but shall be ordered to complete the education program developed by the Secretary of Juvenile Services, with some exceptions. Hrg. 2/11, 12pm JPR

SB 45 Criminal Law – Child Pornography – Distribution, Creation, or Possession BY Minor Subject (Waldstreicher) limits a minor's criminal liability for distribution or creation of child pornography to images of another minor (that is, it does not apply to creation, possession, or distribution of images of oneself). Hrg. 2/11, 12pm JPR

Other topics:

HB 624/SB 593 Juvenile Law – Child Interrogation Protection Act: (Lierman plus 22/Carter plus eight) requires a law enforcement officer who takes a child into custody may not interrogate the child until the child's parents, guardian or custodian have been notified " in a manner reasonably calculated to give actual notice", and until the child has been informed of rights and has consulted an attorney who is retained by parents, guardian, or custodian or provided by the Office of the Public Defender. Hrgs. 2/13, 1pm JUD; 2/19, 12pm JPR

HB 673 Juvenile Services – Facilities – Garrett Children's Center (Chair, Judiciary Committee at Request of Department of Juvenile Services) adds the Garrett Children's Center to the list of facilities the Department of Juvenile Services is authorized to operate to properly diagnose, care for, train, educate, and rehabilitate children who need those services. Hrg. 2/13, 1pm JUD

SB 248 Juvenile Law – Jurisdiction – Attempted Carjacking and Attempted Armed Carjacking (Cassilly plus ten) states the Juvenile Court does not have jurisdiction over these offenses unless the juvenile is under the age of 16 or the court with original jurisdiction transfers the case to the Juvenile Court. Hrg. 2/05, 2pm JPR

SB 314 Juveniles Charged as Adults – Confidentiality of Records (Sydnor, Carter) provides that pending a determination that a juvenile's case will be transferred to the Juvenile Court, the law governing the confidentiality of juvenile records applies to all police and court records until the time to file a motion to transfer has expired with no motion filed, or the motion to transfer has been denied. Hrg. 2/11, 12pm JPR

SB 467 State Advisory Board for Juvenile Services – Membership (Lee, Sydnor, Waldstreicher) expands the membership of the State Advisory Board for Juvenile Services to increase from one to three the members from the Department of Juvenile Services and from seven to nine the members from the general public, specifying that two of them shall be at least 16 and under the age of 25 and at least one shall have been under the jurisdiction of the Department of Juvenile Services. Hrg. 2/13, 12pm JPR

Judy Morenoff

CHILDREN AND FAMILIES

HB 369/SB 586 Foster parents, Preadoptive Parents and Caregivers – Right to Intervene (Dumais/Waldstreicher) gives foster parents, pre adoptive parents and caregivers the right to intervene or to be heard in any proceeding involving the welfare or placement of a child and the right to obtain all nonprivileged information in documents pertaining to the placement of the child - and require the local department and the Circuit Court to give them at least 10 days' notice in writing of the time and place of the proceeding and their right to intervene. Hrg. 2/6, 1pm JUD; 2/6, 1pm JPR

HB 396 Child Care Centers – Early Childhood Screening for Developmental Disabilities: (Guyton plus seven) requires certain child care centers to offer screening for developmental disabilities for each child under the age of 3 in the center and to have on-site an individual who has completed an approved training program in early childhood screening and interventions for developmental disabilities. W&M

HB 458 Family Law – Minors – Emancipation (Emancipation of Minors Act of 2020) (Atterbeary) adds a petition for the emancipation of a minor to the jurisdiction of the equity court and specifies what the petition must contain and the process the circuit court should follow in considering it. It adds to the provisions under which an individual under 18 can receive a marriage license: if the individual is 17 years old, has been granted an order of emancipation, and presents a certified copy of that order. Hrg. 2/6, 1pm JUD

HB 460 Department of Human Services – Child Abuse Prevention – Online Course (Shetty plus 32) requires the Department of Human Services to post on its website a free online course on the identification, prevention and reporting of child abuse. Hrg. 2/6, 1pm JUD

[HB 495](#) Criminal Procedure – Out of Court Statement of Child Victim – Neglect of a Minor (Pippy plus 11) adds neglect of a minor to a list of charges for which the court may admit into evidence an out of court statement from a victim who is under the age of 13. Hrg. 2/6, 1pm JUD

[HB 709/SB 490](#) Human Services – Youth Services Bureaus – Funding (Valentino – Smith plus four/ Peters) modifies slightly the list of services a Youth Services Bureau must provide to be eligible for state matching funds, require the Governor to include in his budget for FY 2022 (and each year after that) at least \$1,800,000 for Youth Service Bureaus, and specify that each eligible Youth Service Bureau shall receive at least \$100,000 each year. Hrgs. 2/18, 1pm APP; 2/12, 2pm B&T

[SB 585](#) Family Law – Children in Out-of-Home Placements – Mandatory Concurrent Planning (Waldstreicher) requires (rather than permits) that reasonable efforts to place a child for adoption or with a legal guardian be made concurrently with reasonable efforts to preserve and reunify families. Hrg 2/18, 12pm JPR

[SB 594](#) Child Custody and Visitation – Abuse or Neglect of Child (Lee) provides that if the court grants custody or visitation rights to a parent who has previously abused or neglected a child, it must find that there is no likelihood of further abuse or neglect and state the reasons for that finding, or the court may approve a supervised visitation arrangement with “neutral and physically present supervision.” Hrg. 2/18, 12pm JPR

Update on Bills Previously Reported in RSC:

[HB 206/SB 207](#) Unaccompanied Minors in Need of Shelter and supportive Services (RSC 1) Senate Hrg. correction 2/5, 2pm EHE

Judy Morenoff

DOMESTIC VIOLENCE

Update on Bills Previously Reported in RSC:

[SB 230/ HB 590](#) Criminal Law - Sexual Crimes - Repeal of Spousal Defense ([RSC1](#)), Hrg. 2/13, 1pm JUD

Deborah Mitchell

IMMIGRATION

[SB 332](#) Correctional Facilities – Individual Subject to Immigration Detainer – Homeland Security--Notification (Ready et al.) is similar to SB 197 presented in RSC #1. SB 197 pertains to those held pertaining to a crime of violence whereas SB 332 eliminates the crime of violence stipulation which is contained in SB 197. Hrg. 1/30, JPR

[HB 388](#) Criminal Procedure—Civil Immigration Enforcement – Restrictions (Pena-Melnyk et al.) states that an agent or employee of a State or Local Law Enforcement agency may not inquire about an individual’s immigration status, citizenship status, or place of birth during a stop, a search or an arrest. An agent or employee of a State of

Local Law Enforcement agency may not transfer an individual to federal immigration authorities unless required by federal law. Without a judicial warrant, a law enforcement agent may not, pursuant to a request by Federal Immigration authorities made solely for immigration enforcement purposes transfer an individual to federal immigration authorities, detain an individual, notify federal immigration authorities of an individual's location, address or release date or otherwise use law enforcement resources to further civil immigration enforcement. Further, if any part of this act is found to be invalid, the invalidity will not pertain to the remainder of the provisions. Hrg. 2/11, JUD

HB 403 Immigration Enforcement – Public Schools, Hospitals, and Courthouses – Policies (Wilkins, et al.) states that the Attorney General with other appropriate stakeholders would draft guidelines to assist public schools, hospitals and courthouses to draft policies that limit immigration enforcement activities on their premises so that these facilities are safe and accessible to all regardless of immigration status. These facilities may publish policies that limit immigration enforcement on their premises consistent with federal and state law based on guidelines developed by the Attorney General. Hrg. 2/11, JUD

HB 677 Correctional Services – Immigration Detention – Prohibition (Dignity Not Detention Act) (Stewart et al) states that the General Assembly finds that enforcement of civil immigration laws is the exclusive responsibility of the federal government and that state, local and private facilities are inappropriate for civil immigration detention, that no entity including private facilities may hold or receive any payment related to such detentions nor provide in any manner for immigration detention. Hrg. 2/25, JUD

Override of Governor's Veto of 2019 Legislation -The General Assembly overrode a veto by Governor Hogan of the expansion of the state's Dream Act. The Dream Act grants in-state tuition to undocumented students in two year/60 credit community college programs followed by attendance at state universities. The expansion eliminates the need for the period at community colleges.

Carole Conors

SUBSTANCE ABUSE

HB 455/SB334 Health Insurance - Coverage for Mental Health Benefits and Substance Use Disorder Benefits - Treatment Criteria (Kelly / Augustine and Hester) requires insurers to submit a report and data to the Maryland Insurance Commissioner on or before March 1 of each year demonstrating compliance with the federal Mental Health Parity and Addiction Equity Act; and establishes the Parity Enforcement and Education Fund to support and conduct outreach. Hrg. 2/19, 1pm FIN

HB 512 Drugs and Devices – Electronic Prescriptions – Controlled Dangerous Substances (Barron) allows certain controlled dangerous substance prescriptions to be dispensed on an electronic prescription; and authorizes an electronic, written or oral prescription for a controlled dangerous substance under certain circumstances. Hrg. 2/18, 1pm HGO

Update on Bills Previously Reported in RSC:

SB 166 Drugs and Devices - Electronic Prescriptions - Controlled Dangerous Substances (Kelley) Hrg. 2/06, 1pm FIN

SB 218 Crimes Involving Controlled Dangerous Substances - Penalties – Methamphetamine (West) Hrg. 1/30, 1pm JUD

HB 193 Criminal Law - Use or Possession of a Controlled Dangerous Substance - De Minimis Quantity (Cardin and 6) Hrg. 1/28, 1pm JUD

HB 73 Firearms - Right to Purchase, Own, Possess, and Carry - Medical Cannabis (Grammer) Hrg. 1/29, 1pm JUD

Updates

HB 03/SB 233 Flavored Tobacco Products – Prohibition (By request of President and Office of Attorney General Davis/ Augustine and 6) Hrg. 2/6, 1pm ECM; 2/13, 1pm B&T

SB 54 Electronic Smoking Devices – Added Flavoring – Prohibition on Shipping, Import or Sale (Lam and Kelley) Hrg. 2/13, 1pm FIN

SB 03 Electronic Smoking Devices, Other Tobacco Products, and Cigarettes - Taxation and Regulation (McCray) Hrg. 1/29, 1pm B&T

Chris Hager

GUN SAFETY

HB 302 Criminal Law – Deadly Weapons on School Property – Non Public Schools (No Weapons on Nonpublic School Property Act) (Love, et al.) repeals alters the scope of the existing law to include a prohibition to carry or possess a deadly weapon on nonpublic school property, and also extends the certain exceptions that allow carrying or possessing a deadly weapons to nonpublic school property. Hrg. 2/5, 2pm JUD

HB 356/SB 273 Crimes- Firearms – Penalties and Procedures (Violent Firearms Offender Act of 2020) (Speaker by Request of Administration, Adams, et al; Bailey, et al) expand the types of cases in which the State may appeal a trial court decision; authorize a court to release a defendant charged with a crime or to order the defendant remanded to custody pending an appeal; expand the crimes for which a person is prohibited from possessing a regulated firearm and other amendments. Hrg. 2/4, 1pm JUD; 2/6, 1pm JPR

HB 591 Public Safety – Lost or Stolen Regulated Firearm – Reporting (Clipping) alters the applicable penalties for failing to report a lost or stolen regulated firearm. The amended changes for the first conviction increase imprisonment to six months or a fine of \$1,000 or both; and for each subsequent conviction imprisonment not to exceed one year or a fine not to exceed \$2,000 or both. Hrg. 2/12, 1pm JUD

HB 618 Sales and Use Tax – Exemption – Firearm Safety (Parrott, et al.) provides an exemption under the sales and use tax to certain firearm safety devices; and defines a firearm safety device to mean a firearm lockbox, trigger and barrel lock or any other item designated to enhance home firearm safety. Hrg. 2/20, 1pm W&M

HB 636 Public Safety – Access to Firearms – Storage Requirements (Stein, et al) amends existing law to add that a person may not store or leave a loaded or unloaded firearm where the person knew or should have known that an unsupervised minor could gain access to it, the unsupervised minor does gain access, and the firearm causes harm to the minor or another person. It adds an imprisonment clause not to exceed 90 days or a fine or both for violating the first subsection. The fines and imprisonment penalties increase if a person violates the following two subsections related to knowingly giving access to a minor and if the minor gets access and causes harm to the minor or another person.

SB 290 Criminal Procedure – Forfeiture of Firearms – Sale to Dealer (Edwards, et al) stipulates that a law enforcement unit or a federally licensed firearms dealer is authorized to sell, exchange, or transfer forfeited firearms to a firearms dealer under certain circumstances. Hrg. 2/11,1pm JPR

SB 422 Firearms – Permit to Carry, Wear, or Transport – Required Courses (Young) requires that a person to whom a firearm permit is issued or renewed shall successfully complete courses on situational awareness and competent handling of a firearm each calendar year; with an exception that an active law enforcement official with a law enforcement agency or a qualified handgun instructor who has a permit issued or renewed is not required to complete these courses. Hrg. 2/13,12pm JPR

SB 468 Criminal Procedure – Appeals – Unlawful Possession of a Firearm (West) stipulates that the State may appeal a decision of a trial court that excludes evidence offered by the State or requires the return of property alleged to have been seized in violation of the Constitution of the United States, the Maryland Constitution, or the Maryland Declaration of Rights. Hrg. 2/13, 2pm JPR

SB 506 Firearms – Handgun Permit – Preliminary Approval (Hough, et al) authorizes a person to apply for preliminary approval of a handgun permit upon completing firearms training ; requires the Secretary of State Police to investigate an application for a handgun permit to determine if the requirements are satisfied to give preliminary approval for the permit if the applicant meets requirements except for a firearms training requirement; requires an applicant to satisfy a firearms training requirement within a certain period of time after receipt of the preliminary approval notice for a handgun permit; and requires the Secretary to revoke the preliminary approval and deny a handgun permit if an applicant does not fulfill a firearms training requirement within the given period of time. Hrg. 2/19, 12pm JPR

Updates on Bills previously reported on in RSC:

**[HB 04](#)/SB 208 Public Safety – Rifles and Shotguns – Secondary Transactions (Atterbeary/Lee et al) Hrg. 2/5, 2pm JP; 1/31 2nd reading passed with amendments
JUD**

[HB 47](#)/SB327 Public Safety – Handgun Qualification License – Training Exemptions. (Parrott et al/ Hough et al) Cross-filed Senate bill Hrgs.1/29, 1pm JPR

Gloria Salas Kos