



2010 Legislative Agenda **DOMESTIC VIOLENCE LEGISLATION**

BILLS SUPPORTED BY MNADV

Priority Legislation

HB 1382/SB 55 - Rental Housing – Protection for Victims of Domestic Violence and Sexual Assault

HB 1382 sponsored by Delegate Cheryl Glenn, et al.
SB 554 sponsored by Senator Lisa Gladden

Allows for qualifying tenants, citizens dealing with domestic violence and sexual assault, to terminate leases upon sufficient proof of domestic violence or sexual assault; requires landlords of qualifying tenants to change the locks on the dwelling of qualifying tenants upon request and proof of domestic violence or sexual assault; enables qualifying tenants to assert a defense in evictions where qualifying tenants have sufficient proof of domestic violence or sexual assault; prohibits discrimination against persons with status as victims of domestic violence or sexual assault in renting residences;

Hearings: hearing on SB 554 in Senate Judicial Proceedings Committee on February 23, 2010, 1:00 pm; hearing on HB 1382 in Environmental Matters on March 11, 2010 at 1:00 pm.

HB 534/SB 867 - Domestic Violence – Protective Order – Extension

HB 534 sponsored by Delegate Jeff Waldstreicher, et al.
SB 867 sponsored by Senator Anthony Muse, et al.

Extends the term of a civil order of protection in instances when the respondent re-abuses the person eligible for relief during the term of the civil order of protection. Provides for the court to extend relief up to five years after a hearing where the court considers factors outlined in the bill, including the nature and severity of the re-abuse.

Hearings: hearing on HB 534 in House Judiciary Committee on February 18, 2010 at 1:00 pm; hearing on SB867 in Senate Judicial Proceedings Committee on March 23, 2010 at 1:00 pm.

HB 106/SB 248 - Civil Cases – Maryland Legal Services Corporation Fund – Surcharges

HB 106 sponsored by Delegate Kathleen Dumais, et al.
SB 248 sponsored by Senator Brian Frosh, et al.

Increases the surcharge in civil cases in both circuit and district courts to fund the civil legal services delivery system for low income Marylanders. Legal representation for domestic violence victims in domestic violence programs are funded through grants from the MLSC.

Hearings: hearing on HB 106 in House Judiciary Committee on January 26, 2010; hearing in SB 248 in Senate Judicial Proceedings Committee held on February 4, 2010. SB 248 was voted out of the Senate Judicial Proceedings Committee on an 8-3 vote with no amendments, A vote in the full Senate is expected on March 3.

Other Bills of Interest

HB 60/SB 618 ▪ Criminal Procedure – Violation of Pretrial or Post Trial Release No Contact Order – Expedited Hearing (“Alexis’s Law”)

HB 60 sponsored by Delegate Michael Smigiel
SB 618 sponsored by Senator Nancy Jacobs, et al.

Permits alleged victim, pretrial services representative, or state’s attorney to request an expedited hearing before the district or circuit courts in situations where the alleged victim asserts that a defendant has violated the no contact provision of a pretrial or posttrial order.

Hearings: hearing on HB 60 House Judiciary Committee on January 26, 2010; hearing on SB 618 in Senate Judicial Proceedings Committee on March 10 at 1:00 pm.

HB 662 ▪ Peace Orders and Protective Orders – Violations – Expedited Trial

HB 662 sponsored by Delegate Ben Barnes

Requires a court to schedule a trial within 30 days after a defendant is charged with violation of a peace order or protective order.

Hearings: hearing on HB 662 in House Judiciary Committee on February 18, 2010 at 1:00 pm.

HB 665 ▪ Domestic Violence - Conditions of Probation - Order to Carry or Wear a Global Positioning System Device

HB 665 sponsored by Delegate Ben Barnes

Authorizes a court, when placing on probation a defendant who has been convicted of a specified crime of domestic violence, to order the defendant to carry or wear a global positioning system device as a condition of probation.

Hearings: hearing on HB 665 in House Judiciary Committee on February 18, 2010 at 1:00 pm.

HB 700/SB 823 ▪ Family Law – Protective Orders – Burden of Proof

HB 700 sponsored by Delegate Sue Hecht, et al.
HB 823 sponsored by Senator Jennie Forehand

Changes the standard of proof for a final protective order from clear and convincing evidence to a preponderance of the evidence.

Hearings: hearing on HB 700 in House Judiciary Committee on February 25, 2010 at 1:00 pm; hearing on SB 823 in Senate Judicial Proceedings Committee on March 3, 2010 at 1:00 pm.

SB 123 ▪ Criminal Procedure – Victim’s Compensation – Temporary Lodging for Domestic Violence Victims

SB 123 sponsored by Senator James Brochin

Permits victims of domestic violence to be eligible for award from the Criminal Injuries Compensation Fund for up to 14 days of temporary lodging

Hearings: hearing on SB 123 in Senate Judicial Proceedings Committee held on February 2, 2010.

BILLS OPPOSED BY MNADV

HB 48 /SB 329 ▪ *Domestic Violence – Requirement to Advise Respondent of Consequences of Final Protective Order*

HB 48 sponsored by Delegate Michael Smigiel

Requires the court to articulate on the record 13 factors to notify the respondent of the consequences of entering into a consent order in final protective order proceedings and to permit the respondent to withdraw consent and go forward with a trial.

Hearings: hearing on HB 48 in House Judiciary on January 21, 2010; hearing on SB 329 in Senate Judicial Proceedings Committee on February 16, 2010.

HB 893 ▪ *Public Safety - Handgun Permits - Victims of Domestic Violence*

HB 893 sponsored by Delegate Susan McComas

Authorizes the Secretary of State Police, in determining whether a handgun permit is necessary, to consider whether the applicant is a person eligible for relief and has been issued a final protective order.

Hearings: hearing on HB 893 in House Judiciary Committee on March 11, 2010 at 1:00 pm.

RELATED BILLS OF INTEREST

HB 331 ▪ *Family Law - Final Protective Order - Global Positioning Monitoring System*

HB 625 ▪ *Domestic Violence – Domestic Violence Central Repository*

HB 661 ▪ *Criminal Procedure – Arrest – Violation of a Protective Order*

HB 818/SB 670 ▪ *Criminal Law – Trespass on Posted Property and Wanton Trespass on Private Property - Penalties*

HB 911 ▪ *Education – Tween/Teen Dating Violence (Kristin Marie Mitchell Law)*

HB 1047 ▪ *Family Law – Protective Orders – Annual Report*

SB 22/HB 905 ▪ *Criminal Law - Prohibitions on Wearing, Carrying, or Transporting Firearms - Exceptions*

SB 689/HB 1084 ▪ *Domestic Violence – Reasonable Corporal Punishment – Limitations*

SB 939/HB 1149 ▪ *Denial or Dismissal of Domestic Violence Petitions – Expungement of Records*

For further information about the 2010 Legislative Agenda, contact:

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The Maryland Network Against Domestic Violence (MNADV) has been working since 1980 to eliminate domestic violence in Maryland through *education, training, and advocacy*. As Maryland's state coalition, the Network works together with local domestic violence programs as well as criminal justice and law enforcement personnel, legal advocates, health care and social service providers, clergy, educators, businesses, community groups, and concerned individuals to *promote a coordinated community response to end domestic violence*.