



# **2018 MSBA Legislation - Final Report**

**April 10, 2018**

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## SUPPORT

### [MD - HB1](#) Family Law - Child Conceived Without Consent - Termination of Parental Rights (Rape Survivor Family Protection Act)

Last Action: Approved by the Governor - Chapter 4 (February 13, 2018)

Primary Sponsor: [Delegate Kathleen M. Dumais \(D\)](#)

**Rationale:** MSBA has supported the bill since due process concerns were alleviated prior to the 201.

### [MD - HB447](#) Pretrial Services Program Grant Fund - Establishment

Last Action: Returned Passed (April 9, 2018)

Primary Sponsor: [Delegate Erek L. Barron \(D\)](#)

**Rationale:** Bill will provide funding for jurisdictions currently without pretrial services units, consistent with MSBA support for Justice Reinvestment Act.

### [MD - HB513](#) Circuit Court Judges - Election, Qualifications, and Term of Office

Last Action: Unfavorable Report by Judiciary; Withdrawn (March 16, 2018)

Primary Sponsor: [Delegate Terri L. Hill \(D\)](#)

**Rationale:** Consistent with MSBA Core position that campaign finance and campaign activity pollute the judicial selection process and serve to discourage qualified judicial applicants

### [MD - HB1253](#) Business Regulation - Collection Agencies - Exemptions from Licensure

Last Action: Unfavorable Report by Economic Matters (March 14, 2018)

Primary Sponsor: [Delegate Kathleen M. Dumais \(D\)](#)

**Rationale:** Bill would have relieve lawyers conducting collections as a part of their normal practice of duplicative regulation by the Executive Branch (Dept of Labor, Licensing & Regulation) in addition to the Court of Appeals.

### [MD - HJ3](#) Judicial Compensation Commission - Recommendations

Last Action: Returned Passed (March 13, 2018)

Primary Sponsor: [Speaker](#)

**Rationale:** Salaries of Maryland judges were no longer competitive regionally or nationally, and were insufficient to attract candidates from private practice.

### [MD - SB2](#) Family Law - Child Conceived Without Consent - Termination of Parental Rights (Rape Survivor Family Protection Act)

Last Action: Approved by the Governor - Chapter 3 (February 13, 2018)

Primary Sponsor: [Senator Brian J. Feldman \(D\)](#)

**Rationale:** MSBA has supported the bill since due process concerns were alleviated.

**MD - SB68** Business Regulation - Collection Agencies - Exemptions From Licensure

Last Action: Hearing 2/01 at 1:00 p.m. (January 10, 2018)

Primary Sponsor: [Senator Wayne Norman \(R\)](#)

**Rationale:** Bill would have relieve lawyers conducting collections as a part of their normal practice of duplicative regulation by the Executive Branch (Dept of Labor, Licensing & Regulation) in addition to the Court of Appeals.

**MD - SB249** Inmates - Life Imprisonment - Parole Reform

Last Action: Hearing 2/01 at 2:00 p.m. (January 19, 2018)

Primary Sponsor: [Senator Delores G. Kelley \(D\)](#)

**Rationale:** Bill would have removed the Governor from parole decisions, which has historically injected electoral politics into parole decisions, with Governors of both political parties.

**MD - SB1156** Pretrial Services Program Grant Fund - Establishment

Last Action: First Reading House Rules and Executive Nominations (April 9, 2018)

Primary Sponsor: [Senator William C. Smith, Jr. \(D\)](#)

**Rationale:** Bill will provide funding for jurisdictions currently without pretrial services units, consistent with MSBA support for Justice Reinvestment Act.

**MD - SJ5** Judicial Compensation Commission - Recommendations

Last Action: Hearing canceled (February 6, 2018)

Primary Sponsor: [Chair, Judicial Proceedings Committee](#)

**Rationale:** Salaries of Maryland judges were no longer competitive regionally or nationally, and were insufficient to attract candidates from private practice.

## **SUPPORT with AMENDMENTS**

**MD - HB111** Maryland Department of Health - Defendants Found Incompetent to Stand Trial or Not Criminally Responsible - Commitment

Last Action: Returned Passed (April 3, 2018)

Primary Sponsor: [Delegate Erek L. Barron \(D\)](#)

**Rationale:** Bill provides for timely placement of defendants in need of mental health care, and adherence to court orders connected with placement of such defendants. MSBA amendments were technical and related to contempt of court provisions of the bill.

**MD - HB1270** Access to Maryland Courts Act

Last Action: Hearing 2/21 at 1:00 p.m. (February 8, 2018)

Primary Sponsor: [Delegate Kathleen M. Dumais \(D\)](#)

**Rationale:** MSBA supported the concept of the bill, but as drafted, the bill created the specter of conflict between client and attorney in connection with award cap and attorney's fees.

**MD - SB233** Maryland Department of Health - Defendants Found Incompetent to Stand Trial or Not Criminally Responsible - Commitment

Last Action: Returned Passed (April 9, 2018)

Primary Sponsor: [Senator Thomas M. Middleton \(D\)](#)

**Rationale:** Bill provides for timely placement of defendants in need of mental health care, and adherence to court orders connected with placement of such defendants. MSBA amendments were technical and related to contempt of court provisions of the bill.

**MD - SB1042** Access to Maryland Courts Act

Last Action: Hearing 2/21 at 1:00 p.m. (February 7, 2018)

Primary Sponsor: [Senator William C. Smith, Jr. \(D\)](#)

**Rationale:** MSBA supported the concept of the bill, but as drafted, the bill created the specter of conflict between client and attorney in connection with award cap and attorney's fees.

## OPPOSE

**MD - HB395** Criminal Procedure - Postconviction - DNA Testing and Petition for Writ of Actual Innocence

Last Action: Third Reading Passed with Amendments (45-0) (April 9, 2018)

Primary Sponsor: [Delegate Kathleen M. Dumais \(D\)](#)

**Rationale:** MSBA supported the premise of the bill, but the provisions were so broad that its application stood to overwhelm the limited the limited resources of the Judiciary (which also opposed the bill).

**MD - HB607** Circuit Court Judges - Selection and Tenure

Last Action: Unfavorable Report by Judiciary; Withdrawn (March 16, 2018)

Primary Sponsor: [Delegate Chris West \(R\)](#)

**Rationale:** The bill only partially abolished the practice of contested circuit court elections and introduced Senatorial politics into the judicial confirmation process.

**MD - HB685** Criminal Procedure - Pretrial Release - Grace Period for Failure to Appear

Last Action: Unfavorable Report by Judiciary (March 5, 2018)

Primary Sponsor: [Delegate Frank M. Conaway, Jr. \(D\)](#)

**Rationale:** The bill essentially made a court summons advisory in nature.

**MD - HB733** Courts - Civil Court Records - Shielding

Last Action: Unfavorable Report by Judiciary; Withdrawn (February 26, 2018)

Primary Sponsor: [Delegate Curt Anderson \(D\)](#)

**Rationale:** The bill was overly broad and would have shielded court records to which the public and the press should be allowed to access.

**MD - HB761** Courts - Aggravated Murder Court

Last Action: Unfavorable Report by Judiciary (March 5, 2018)

Primary Sponsor: [Delegate Rick Impallaria \(R\)](#)

**Rationale:** The bill would have been a legislative mandate to the Judiciary in terms of deploying court resources.

**MD - HB887** Criminal Law - Death Penalty - Murder of Specific Individuals or Mass Murder

Last Action: Unfavorable Report by Judiciary (March 15, 2018)

Primary Sponsor: [Delegate Haven Shoemaker \(R\)](#)

**Rationale:** The bill would have reinstated capital punishment. The MSBA supported repeal of capital punishment as both inhumane and ineffective.

**MD - HB909** Maryland No-Fault Birth Injury Fund

Last Action: Hearing 3/09 at 1:00 p.m. (Health and Government Operations and Judiciary) (February 21, 2018)

Primary Sponsor: [Delegate Bonnie Cullison \(D\)](#)

**Rationale:** The bill would have restricted access to the courts in certain injury scenarios.

**MD - HB924** Emergency Medical Care - Administration of Opioid Antidotes - Immunity

Last Action: Hearing 3/7 at 1:00 p.m. (Judiciary) (February 21, 2018)

Primary Sponsor: [Delegate William G. Folden \(R\)](#)

**Rationale:** The bill sought to create an immunity provision which already exists.

**MD - HB949** Attorney Grievance Commission - Membership

Last Action: Hearing 2/14 at 1:00 p.m. (February 5, 2018)

Primary Sponsor: [Delegate Dan K. Morhaim \(D\)](#)

**Rationale:** The bill would have granted appointment authority to the Governor, when the Attorney Grievance Commission is an entity within the Judicial branch of government (separation of powers).

**MD - HB1062** Historically Black Colleges and Universities – Appointment of a Special Advisor – Development of a Remedial Plan (HBCU Equity Act of 2018)

Last Action: Hearing 3/01 at 1:15 p.m. (February 14, 2018)

Primary Sponsor: [Delegate Charles E. Sydnor, III \(D\)](#)

**Rationale:** The bill would have required MSBA to serve as a Special Adviser to parties currently involved in education-related litigation, which is outside the mission and purview of the MSBA.

**MD - HB1128** Criminal Procedure - Pretrial Release - Assault on a Law Enforcement Officer (Police Protection Act)

Last Action: Unfavorable Report by Judiciary (March 15, 2018)

Primary Sponsor: [Delegate Haven Shoemaker \(R\)](#)

**Rationale:** The bill would have limited the discretion of district court commissioners. Also, the bill limited pretrial discretion of judges.

**MD - HB1260** District Court - Nonincarcerable Criminal Cases - Saturdays

Last Action: Unfavorable Report by Judiciary (March 12, 2018)

Primary Sponsor: [Delegate Ric Metzgar \(R\)](#)

**Rationale:** The bill was an unfunded mandate to the court to operate on Saturdays.

**MD - HB1475** Civil Actions - Duty to Render Assistance

Last Action: Unfavorable Report by Judiciary (March 19, 2018)

Primary Sponsor: [Delegate Mary Ann Lisanti \(D\)](#)

**Rationale:** Bill provided overly broad immunity for certain individuals rendering assistance.

**MD - HB1608** Real Property - Trust Money - Escrow Trust Accounts

Last Action: Unfavorable Report by Environment and Transportation (March 12, 2018)

Primary Sponsor: [Delegate Matthew Morgan \(R\)](#)

**Rationale:** Bill was aimed at real estate agents but had broad impact on lawyer trust accounts.

**MD - HB1619** Civil Actions - Nonattorney Representation - Corporations, Partnerships, LLCs, and Sole Proprietorships

Last Action: Unfavorable Report by Judiciary; Withdrawn (March 12, 2018)

Primary Sponsor: [Delegate William J. Wivell \(R\)](#)

**Rationale:** Bill would have subjected nonlawyers to negotiate through discovery and other legal processes in a court setting.

**MD - HB1730** Criminal Law - Distribution of Heroin or Fentanyl Resulting in Death

Last Action: First Reading House Rules and Executive Nominations (February 19, 2018)

Primary Sponsor: [Delegate Rick Impallaria \(R\)](#)

**Rationale:** Bill contained overly broad immunity provision, and mandatory consecutive sentencing.

**MD - SB423** Criminal Procedure - Postconviction - DNA Testing and Petition for Writ of Actual Innocence

Last Action: Passed Enrolled (April 9, 2018)

Primary Sponsor: [Senator Bobby A. Zirkin \(D\)](#)

**Rationale:** MSBA supported the premise of the bill, but the provisions were so broad that its application stood to overwhelm the limited the limited resources of the Judiciary (which also opposed the bill).

**MD - SB554** Maryland Tort Claims Act - Immunity - Persons Acting on Behalf of the State

Last Action: Hearing 2/15 at 1:00 p.m. (January 31, 2018)

Primary Sponsor: [Senator Robert Cassilly \(R\)](#)

**Rationale:** Bill contained definition of “person acting on behalf of state” that was ambiguous and overly broad.

**MD - SB827** Historically Black Colleges and Universities - Appointment of a Special Advisor - Development of a Remedial Plan (HBCU Equity Act of 2018)

Last Action: Hearing 2/28 at 1:00 p.m. (Education, Health, and Environmental Affairs) (February 7, 2018)

Primary Sponsor: [Senator Joan Carter Conway \(D\)](#)

**Rationale:** The bill would have required MSBA to serve as a Special Adviser to parties currently involved in education-related litigation, which is outside the mission and purview of the MSBA.

**MD - SB862** Maryland No-Fault Birth Injury Fund

Last Action: Hearing 2/21 at 1:00 p.m. (Judicial Proceedings) (February 7, 2018)

Primary Sponsor: [Senator Delores G. Kelley \(D\)](#)

**Rationale:** The bill would have restricted access to the courts in certain injury scenarios.

**MD - SB1187** Family Law - Child Conceived Without Consent - Child Support

Last Action: First Reading Senate Rules (February 21, 2018)

Primary Sponsor: [Senator Gail H. Bates \(R\)](#)

**Rationale:** Once parental rights are terminated, it would be inconsistent to statutorily impose parental responsibility upon an individual.

## MONITOR

**MD - HB31** Criminal Procedure - Charges Disposed of by Nolle Prosequi, Dismissal, or Acquittal - Case Search

Last Action: Unfavorable Report by Judiciary; Withdrawn (February 26, 2018)

Primary Sponsor: [Delegate Jazz Lewis \(D\)](#)

**MD - HB100** Criminal Law - Violent Offenders - Penalties (Accountability for Violent Criminals Act of 2018)

Last Action: Hearing 2/06 at 1:00 p.m. (January 19, 2018)

Primary Sponsor: [Speaker](#)

**MD - HB101** Crimes - Firearms - Penalties

Last Action: Hearing 2/06 at 1:00 p.m. (January 19, 2018)

Primary Sponsor: [Speaker](#)

**MD - HB102** Criminal Gang Offenses – Penalties, Procedure, and Elements

Last Action: Hearing 2/06 at 1:00 p.m. (January 19, 2018)

Primary Sponsor: [Speaker](#)

**MD - HB289** Civil Actions - Noneconomic Damages

Last Action: Hearing 1/31 at 2:00 p.m. (January 24, 2018)

Primary Sponsor: [Delegate Charles E. Sydnor, III \(D\)](#)

**MD - HB301** Courts - Evidence of Sexually Assaultive Behavior - Admissibility (Repeat Sexual Predator Prevention Act of 2018)

Last Action: Returned Passed (April 5, 2018)

Primary Sponsor: [Delegate Vanessa E. Atterbeary \(D\)](#)

**MD - HB353** Courts - Evidence of Sexually Assaultive Behavior - Admissibility (Repeat Sexual Predator Prevention Act)

Last Action: Unfavorable Report by Judiciary (March 17, 2018)

Primary Sponsor: [Speaker](#)

**MD - HB382** Criminal Procedure - Expungement - Civil Offense

Last Action: Returned Passed (April 6, 2018)

Primary Sponsor: [Delegate Kathleen M. Dumais \(D\)](#)

**MD - HB454** Child Abuse and Neglect – Disclosure of Identifying Information

Last Action: Returned Passed (April 5, 2018)

Primary Sponsor: [Delegate David Moon \(D\)](#)

**MD - HB487** Law Enforcement Misconduct - Erroneous Conviction Compensation and Expungement

Last Action: Unfavorable Report by Judiciary (March 17, 2018)

Primary Sponsor: [Delegate Bilal Ali \(D\)](#)

**MD - HB510** Criminal Procedure - Providing Electronic Device Location Information - Historical Data

Last Action: Unfavorable Report by Judiciary; Withdrawn (February 26, 2018)

Primary Sponsor: [Delegate David Moon \(D\)](#)



**MD - HB603** Public Senior Higher Education Institutions - Disciplinary Proceedings - Students and Student Organizations

Last Action: Unfavorable Report by Appropriations (April 9, 2018)

Primary Sponsor: [Delegate Kevin B. Hornberger \(R\)](#)**MD - HB649** Criminal Law - Opioids - Distribution Causing Death of Minor

Last Action: Hearing 2/20 at 1:00 p.m. (January 30, 2018)

Primary Sponsor: [Delegate Teresa E. Reilly \(R\)](#)**MD - HB778** Crimes - Solicitation to Commit Murder - Penalty

Last Action: Hearing 2/15 at 1:00 p.m. (February 1, 2018)

Primary Sponsor: [Delegate Geraldine Valentino-Smith \(D\)](#)**MD - HB799** Criminal Procedure - Medical Emergency - Immunity

Last Action: First Reading Judicial Proceedings (March 2, 2018)

Primary Sponsor: [Delegate Jazz Lewis \(D\)](#)**MD - HB1023** Juvenile Law – Witnesses – Body Attachment

Last Action: Passed Enrolled (April 9, 2018)

Primary Sponsor: [Delegate Luke Clippinger \(D\)](#)**MD - HB1030** Criminal Procedure - Incompetency and Criminal Responsibility - Dismissal of Charges

Last Action: Unfavorable Report by Judiciary (March 14, 2018)

Primary Sponsor: [Delegate Kathleen M. Dumais \(D\)](#)**MD - HB1071** Courts - Business and Technology Court

Last Action: Unfavorable Report by Judiciary (March 5, 2018)

Primary Sponsor: [Delegate Chris West \(R\)](#)**MD - HB1081** Civil Actions – Body Attachment – Procedures

Last Action: Hearing 2/21 at 1:00 p.m. (February 7, 2018)

Primary Sponsor: [Delegate Erek L. Barron \(D\)](#)**MD - HB1093** Maryland Uniform Real Property Electronic Recording Act

Last Action: Returned Passed (April 6, 2018)

Primary Sponsor: [Delegate Andrew Platt \(D\)](#)**MD - HB1142** Interception of Oral Communication – Law Enforcement Officer

Last Action: Third Reading Passed with Amendments (42-2) (April 9, 2018)

Primary Sponsor: [Delegate Michael E. Malone \(R\)](#)

**MD - HB1418** Criminal Law - Distribution of Fentanyl - Penalties

Last Action: Unfavorable Report by Judiciary (March 15, 2018)

Primary Sponsor: [Delegate Susan K. McComas \(R\)](#)

**MD - HB1559** Court Records - Unserved Arrest Warrant and Charging Document - Inspection by Attorney

Last Action: Hearing 2/27 at 1:00 p.m. (February 12, 2018)

Primary Sponsor: [Delegate Joseph F. Vallario, Jr. \(D\)](#)

**MD - HB1572** Attorney General - Federal Government Lawsuits - Itemized Budget System

Last Action: Unfavorable Report by Appropriations; Withdrawn (March 12, 2018)

Primary Sponsor: [Delegate Pat McDonough \(R\)](#)

**MD - HB1583** Board of Public Works - Erroneously Convicted Individual - Restitution

Last Action: Unfavorable Report by Judiciary; Withdrawn (March 17, 2018)

Primary Sponsor: [Delegate Joseph F. Vallario, Jr. \(D\)](#)

**MD - HB1609** Higher Education – Professional License or Certification Exam Scholarship Program – Established

Last Action: Hearing 3/08 at 1:00 p.m. (February 12, 2018)

Primary Sponsor: [Delegate Jheanelle K. Wilkins \(D\)](#)

**MD - HB1779** Judges - Mandatory Retirement Age

Last Action: Hearing 3/14 at 1:00 p.m. (March 6, 2018)

Primary Sponsor: [Delegate Joseph F. Vallario, Jr. \(D\)](#)

**MD - SB5** Civil Actions - Punitive Damage Awards

Last Action: Hearing 1/16 at 1:00 p.m. (January 4, 2018)

Primary Sponsor: [Senator Wayne Norman \(R\)](#)

**MD - SB36** Civil Actions - Noneconomic Damages

Last Action: Hearing 1/16 at 1:00 p.m. (January 4, 2018)

Primary Sponsor: [Senator William C. Smith, Jr. \(D\)](#)

**MD - SB101** Criminal Law – Crimes of Violence, Expungement, and Drug Treatment

Last Action: Passed Enrolled (April 9, 2018)

Primary Sponsor: [Senator Wayne Norman \(R\)](#)

**MD - SB248** Criminal Procedure - Charging Procedures and Documents - Citation

Last Action: Hearing 2/01 at 2:00 p.m. (January 19, 2018)

Primary Sponsor: [Senator Delores G. Kelley \(D\)](#)**MD - SB270** Courts – Evidence of Sexually Assaultive Behavior – Admissibility (Repeat Sexual Predator Prevention Act of 2018)

Last Action: Passed Enrolled (April 9, 2018)

Primary Sponsor: [Senator James Brochin \(D\)](#)**MD - SB442** Public Safety - Maryland Electronic Telecommunications Enforcement Resource System - Body Attachments

Last Action: Hearing 3/21 at 1:00 p.m. (March 9, 2018)

Primary Sponsor: [Senator Wayne Norman \(R\)](#)**MD - SB465** Civil Actions - Motor Vehicle Accidents Involving Pedestrians or Nonmotorized Vehicles - Comparative Negligence

Last Action: Unfavorable Report by Judicial Proceedings (February 12, 2018)

Primary Sponsor: [Senator Susan C. Lee \(D\)](#)**MD - SB579** Criminal Procedure - Incompetency and Criminal Responsibility - Dismissal of Charges

Last Action: Unfavorable Report by Judicial Proceedings; Withdrawn (March 19, 2018)

Primary Sponsor: [Senator Susan C. Lee \(D\)](#)**MD - SB607** Higher Education – Sexual Assault Policy – Disciplinary Proceedings Provisions

Last Action: Passed Enrolled (April 9, 2018)

Primary Sponsor: [Senator Joan Carter Conway \(D\)](#)**MD - SB707** Criminal Law – Firearm Crimes – Rapid Fire Trigger Activator

Last Action: Returned Passed (April 9, 2018)

Primary Sponsor: [Senator Victor R. Ramirez \(D\)](#)**MD - SB721** Criminal Procedure - Forfeiture Proceedings - Notice

Last Action: Hearing 3/06 at 1:00 p.m. (February 7, 2018)

Primary Sponsor: [Senator Susan C. Lee \(D\)](#)**MD - SB870** Criminal Procedure – Office of the Attorney General – Subpoena Power

Last Action: Hearing 2/22 at 1:00 p.m. (February 7, 2018)

Primary Sponsor: [President](#)**MD - SB1050** Civil Actions - Body Attachment - Procedures

Last Action: Hearing 3/29 at 1:00 p.m. (March 16, 2018)

Primary Sponsor: [Senator William C. Smith, Jr. \(D\)](#)

**MD - SB1137** Criminal Law - Prohibitions, Prosecutions, and Corrections

Last Action: Passed Enrolled (April 9, 2018)

Primary Sponsor: [Senator Joan Carter Conway \(D\)](#)