

# **Women Legislators of the Maryland General Assembly, Inc.**

## **2007 Session Legislative Wrap Up**

Women Legislators of Maryland supported the following legislation during the 2007 General Assembly Session. Five initiatives out of 10 passed, 50%.

### **Passed:**

#### ***Crimes, Corrections, and Public Safety:***

##### **SB 606/HB 876 Human Trafficking, Extortion, and Involuntary Servitude**

##### **Caucus position: Strong Support**

Human trafficking is a modern day form of slavery and a growing, lucrative criminal enterprise in the world economy today. People are recruited, transported, and sold for labor and sexual services. They are often from vulnerable populations outside the United States. They are forced to work by means of threats, violence to themselves or others, and coercion.

With passage of these bills, Maryland joins 25 other states that have enacted laws prohibiting human trafficking. They expand the prohibition against sexual solicitation of a minor by adding commission of a violation of the prostitution laws as a prohibited offense. They also expand the crime of extortion by prohibiting a person from obtaining or conspiring to obtain labor or services by wrongfully inducing consent, and add actual or threatened destruction, concealment, removal, confiscation, or possession of any immigration or government identification document with intent to harm the immigration status of another person as a prohibited manner of inducing consent. Labor and services are also added to the language of prohibitions against extortion by false accusation and extortion by verbal threat.

Additionally, SB 606/HB 876 rename the crime of pandering as human trafficking, and enhance the penalty for human trafficking that involves a minor. A person who commits human trafficking involving a victim who is a minor is guilty of a felony and subject to maximum penalties of 25 years imprisonment and/or a fine of \$15,000. The District Court is given concurrent jurisdiction with the circuit court over felony human trafficking.

##### **HB 992 Criminal Procedure – Drug Related Offenses – Repeal of Mandatory**

## **Minimum Sentences**

### **Caucus position: Strong Support**

Maryland law requires judges to sentence certain repeat offenders of drug-related crimes to serve nonsuspendable and nonparolable mandatory minimum terms. **HB 992** repeals the prohibition against parole applicable to a 10-year mandatory minimum nonsuspendable sentence of incarceration for second offenders convicted of distributing narcotics and hallucinogens. The bill only applies to a person not convicted of a crime of violence arising out of the incident that resulted in the mandatory minimum sentence.

### **HB 1206 Correctional Services – Inmates and Detainees Who Are Pregnant or Have Newborn Child**

#### **Caucus position: Strong Support**

This bill allows the Division of Correction (DOC) to grant special leave for an inmate to participate in a residential or nonresidential treatment program, including a program for pregnant women or a program to establish bonding between mother and a newborn child. The bill allows an inmate granted special leave to remain outside of the institution for any period of time consistent with public safety. The bill also adds mental health treatment and participation in a residential program of treatment in the best interest of an inmate's expected or newborn child to the reasons an inmate may be released on parole at any time, if amenable to treatment and not serving a term for criminal offenses including child abuse, sexual abuse of a child, and a crime of violence.

### **HB 340/SB 686 Drug-Exposed Infants – Methamphetamine**

#### **Caucus position: Strong Support**

Within one year after a child's birth, there is a presumption that a child is not receiving proper care and attention from the mother for the purposes of determining whether a child is a CINA (child in need of assistance) if (1)(i) the child was born exposed to cocaine, heroin, or a derivative of cocaine or heroin as shown by any appropriate test of the mother or child; or (ii) on hospital admission for delivery of the child, the mother tested positive for one of these drugs as shown by any appropriate toxicology tests; and (2) drug treatment was made available, and the mother refused the recommended level of drug treatment or did not successfully complete the drug treatment.

Additionally, for purposes of a court's consideration of a petition to terminate parental rights, a court must consider any exposure of the child to any of these drugs and amenability to treatment of the parent as described above.

The negative impact on health and well-being of a child exposed to methamphetamine is as significant as exposure to cocaine and heroin. **HB 340/SB 686** expand the definition of a

drug-exposed infant to include exposure to methamphetamine or a derivative of methamphetamine for the purposes of determining whether a child is a CINA or whether terminating a parent's rights is in the child's best interests.

## **HB 314/SB 678 The Maryland Human Relations Commission – Hearings and Civil Actions**

### **Caucus position: Strong Support**

Maryland is 1 of 11 states that do not allow a private cause of action for employment discrimination in state courts. Under the Fair Employment Practices Act, employees who work for an employer with 15 or more employees must have their complaints heard by the Maryland Human Relations Commission (MHRC). Remedies at administrative hearings are limited to reinstatement or hiring, with or without back pay not exceeding 36 months, or other appropriate equitable relief; compensatory damages are not authorized.

**HB 314/SB 678** create a civil cause of action in State circuit courts for workplace discrimination without regard to employer size. A civil action may be filed (1) by a claimant after filing an administrative charge or complaint; or (2) by MHRC on behalf of a claimant. Remedies available in a civil action under the bills include (1) compensatory damages based on the size of the employer; (2) punitive damages if the respondent is not a government entity and engaged in an unlawful practice with actual malice; and (3) reasonable attorney's fees, expert witness fees, and costs. If compensatory or punitive damages are sought, any party may demand a jury trial. The bills also expand the remedies available through MHRC proceedings by authorizing compensatory damages based on the size of the employer.

Both bills are consistent with protections available in the majority of states and ring Maryland law into alignment with the comparable federal statutes, the Civil Rights Acts of 1964 and 1991 (commonly referred to as "Title VII").

Please note that the descriptions of the legislation are taken from:

*The 90 Day Report*  
*A Review of the 2007 Legislative Session*  
*Department of Legislative Services*  
MARYLAND GENERAL ASSEMBLY

### ***Legislation supported by the Caucus that did not pass:***

#### **HB 324/SB 533 Removal of Religious Barriers to Remarriage**

HB withdrawn  
SB failed 3<sup>rd</sup> Reading

#### **HB 684 Criminal Procedure – Registered Offenders – Substantial Change in Appearance**

Held in Judiciary Committee

**HB 685/SB 329 Criminal Law – Possession of Child Pornography – Penalty**

HB held in Judiciary Committee

SB held in Judicial Proceedings Committee

**HB 563 Family Law – Divorce – Change of Surname of Child**

Unfavorable report – Judiciary Committee

**HB 648/SB 679 Family Law – Denial of Paternity, Custody, and Visitation**

HB held in Judiciary Committee

SB passed Senate (47-0); held in Judiciary Committee

(April 19, 2007)