

# Women Legislators of the Maryland General Assembly, Inc.

## 2009 Session Legislative Wrap Up

Women Legislators of the Maryland General Assembly, Inc. supported the following legislation during the 2009 Session. **Seven** initiatives out of 16 **passed**, 44%.

### Passed:

#### *Courts and Civil Proceedings:*

#### **SB 268/HB 302      Family Law – Temporary Protective Orders – Surrender of Firearms**

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

These bills authorize a court, when issuing a temporary protective order, to order the respondent to surrender to law enforcement any firearm in the respondent's possession and to refrain from possession of any firearm for the duration of the temporary protective order if the abuse consisted of (1) the use of a firearm by the respondent against a person eligible for relief; (2) a threat by the respondent to use a firearm against a person eligible for relief; (3) serious bodily harm to a person eligible for relief caused by the respondent; or (4) a threat by the respondent to cause serious bodily harm to a person eligible for relief.

#### **SB 267/HB 296      Family Law – Protective Orders – Surrender of Firearms**

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

Requires a final protective order to order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession and to refrain from possession of any firearm for the duration of the protective order.

Each of the four bills require a law enforcement officer to provide to the respondent information on the process for retaking the firearm after the expiration of the order and to transport and store the firearm in a protective case, if one is available, and in a manner intended to prevent damage to the firearm during the time the protective order is in effect. The respondent may retake possession of the firearm at the expiration of any final protective order, unless the protective order is extended or the respondent is not otherwise legally entitled to own or possess the firearm.

## **HB 267      Family Law – Child Abduction by Relative**

### **Caucus position: Support**

In 1980 the federal Parental Kidnapping Prevention Act was enacted to help custodial parents whose children had been taken across state lines regain custody of those children. In the majority of states, including Maryland, penalties apply when a parent or another covered relative hides a child, whether or not that person has lawful custody. HB 267 increases the penalty for a parent or relative convicted of abducting a child to another state or harboring, hiding, or detaining a child in another state for not more than 30 days from a maximum of 30 days imprisonment and/or a fine of \$250 to a maximum of one year imprisonment and/or a fine of \$1,000. If the child is in another state for more than 30 days, the penalties are increased from a maximum of one year imprisonment and/or a fine of \$1,000 to a maximum of three years imprisonment and/or a fine of \$2,500. If the child is taken or detained outside of the United States, the maximum term of imprisonment is increased from three to five years. The bill also adds as a required element for the crime of child abduction by a relative that the relative abduct, detain, or harbor the child with the intent to deprive the lawful custodian of custody of the child.

## **HB 422      Family Law – Child Custody and Visitation – Military Duty**

### **Caucus position: Support**

The federal Soldiers and Sailors Relief Act protects the interests of active duty military personnel. Under this law (now the Servicemembers Civil Relief Act), federal court hearings may be stayed to protect the interests of active military personnel. The law requires at least a 90-day stay in a federal court or administrative hearing if requested by the service member. Additional stays may be granted at the discretion of the federal judge or hearing official. However, the federal law does not protect deployed military personnel regarding child custody and visitation proceedings in State courts.

HB 422 establishes special provisions for custody proceedings involving a parent subject to military deployment. The legislation specifies that any order or modification of an existing child custody or visitation order issued by a court during a term of a deployment of a parent must specifically reference the deployment of the parent. A parent who petitions the court for an order or modification of an existing order after returning from deployment must specifically reference the date of the end of the deployment in the petition. If the petition is filed within 30 days after the end of the deployment, the court must set a hearing on the petition on an expedited basis. On a finding that extenuating circumstances prohibited the filing of the petition within 30 days, the court may set a hearing on the petition on an expedited basis whenever the petition is filed.

Any custody or visitation order issued based on the deployment of a parent must require that (1) the other parent reasonably accommodate the leave schedule of the parent who is

subject to the deployment; (2) the other parent facilitate opportunities for the telephone and electronic mail contact between the parent who is subject to the deployment and the child during the time of deployment; and (3) the parent who is subject to the deployment provide timely information regarding the parent's leave schedule to the other parent.

***Health and Human Services:***

**HB 405      Health Insurance – Mandated Benefits – Breast Cancer Screening**

**Caucus position: Strong Support**

HB 405 alters the health insurance mandate regarding coverage of mammograms by requiring insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for breast cancer screening in accordance with the latest screening guidelines issued by the American Cancer Society. As of March 2008, these guidelines include:

~ yearly mammograms recommended starting at age 40 and continuing for as long as a woman is in good health

~ clinical breast exam as part of a periodic health exam every three years for women in their twenties and thirties and annually for women age 40 and older

~ women at high risk (greater than 20% lifetime risk of breast cancer) should get an MRI and a mammogram annually.

***State Government:***

**HB 1153/SB 149      Maryland Commission for Women – Appointment of Members**

**Caucus position: Strong Support**

In 1971, the General Assembly established the Maryland Commission on Women. The commission advises State government on and serves as a statewide resource for social, political, and economic opportunities for women. HB 1153 and SB 149 alter the appointment process for members of the commission. The members will now be appointed by the Governor with the advice and consent of the Senate. Previously, the President of the Senate and the Speaker of the House had a role in the selection of members. Approximately one-half of the members are appointed from among the nominations offered by organizations whose interests relate to women. The remaining appointments are made from among applicants who apply on their own behalf. The Governor has the authority to either reappoint or replace members who were appointed by the Speaker or the President and whose terms expire in 2009, 2010, and 2011.

*Crimes, Corrections, and Public Safety:*

**HB 560      Hate Crimes – Prohibitions and Protected Classes –  
Age, Gender, Disability**

**Caucus position: Support**

Maryland's current hate crimes law provides that because of another's race, color, religious beliefs, sexual orientation, or national origin, a person may not take certain actions against another. These actions include commission of a crime; defacement, damage, destruction, or attempted defacement, damage, or destruction of property; or burning or attempting to burn an object on the person's property.

HB 560 adds disability as a protected class and adds the attempt to commit a crime motivated by bias as a prohibited offense under the law.

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

*The 90 Day Report  
A Review of the 2009 Legislative Session  
Department of Legislative Services  
MARYLAND GENERAL ASSEMBLY*

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

**Strong Support:**

SB 144 Family Law - Protective Orders - Surrender of Firearms

HB 214 Family Law – Temporary Protective Orders – Surrender of Firearms

HB 717/SB 740 Family Law Child Custody Determinations

HB 1090/SB 681 Third Degree Sexual Assault – Person in Position of Authority

HB 779 Family Law – Child Support Enforcement – Criminal Contempt

HB 1280 Gender Equity Health Coverage Act

**Support:**

HB 562/SB 731 Hate Crimes – Civil Remedy

HB 1283 Criminal Law – Sexual Crimes - Definitions

The following bills supported by the Caucus were withdrawn:

**HB 1154 Sexual Offenses – Polygraph Examination of Alleged Victims - Prohibited**

(May 6, 2009)