

The 2012 legislative priorities of the Women's Caucus were:

DDA Waiting List
Domestic Violence
Harriet Tubman Resolution
Health Disparity Issues
Mental Health
National Women's History Museum
Parity in Juvenile Services for Girls
Women's Health
Women's Heritage Center

The Caucus strongly supported 18 bills; eight passed or 44.5%.

State Government

Miscellaneous

HB 1429 State Government – Statue of Harriet Tubman

The Governor, under HB 1429, is required to authorize a gift of a statue of Harriet Tubman from the citizens of Maryland to the United States government. The bill also requires the Governor to (1) request the United States Congress to place the statue in Emancipation Hall in the U.S. Capitol Visitor Center or another appropriate federal property in Washington, DC; and (2) establish the Harriet Tubman Statue Commission to raise funds to pay for the costs associated with the statue and represent the State in selecting the sculptor of the statue.

Crimes, Corrections, and Public Safety

Online Crimes

Harassment by Electronic Communication

HB 8/SB 175 Crimes – Electronic Communication – Harassment

A person may not use electronic mail with the intent to harass (1) one or more persons; or (2) by sending lewd, lascivious, or obscene material. "Electronic mail" means the transmission of information or a communication by the use of a computer or other electronic means that is sent to a person identified by a unique address and that is received by the person. Violators are guilty of a misdemeanor and subject to maximum penalties of one year imprisonment and/or a \$500 fine.

SB 175/HB 8 (Chs. 42 and 43) prohibit a person from maliciously engaging in a course of conduct through the use of electronic communication that alarms or seriously annoys another (1) with the intent to harass, alarm, or annoy the other; (2) after receiving

a reasonable warning or request to stop by or on behalf of the other; and (3) without a legal purpose. **Chapters 42 and 43** substitute the term “electronic communication” for former references to “electronic mail”; eliminate the requirement that the recipient of the transmission be identified by a unique address; and include the transmission of data as a form of electronic communication. The bills retain the current exemptions for peaceable activities intended to express a political view or provide information to others and the penalties.

According to the Office of the Attorney General, **Chapters 42 and 43** apply to Facebook messages and instant messaging; however, because of the requirement that the communication be sent “to a person” and “received by the person,” the bills may not include communications on web pages, blogs, Twitter, bulletin boards, or the Facebook or Myspace pages of the poster or of a person other than the person the poster intends to harass.

Courts and Civil Proceedings

Sexual Abuse – Definition

HB 860/SB 1082 Children in Need of Assistance – Sexual Abuse – Definition

“Sexual abuse” is defined in statute as any act involving sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision, or by any household or family member. Sexual abuse includes incest, rape, a sexual offense in any degree, sodomy, and unnatural or perverted sexual practices.

Senate Bill 1082/House Bill 860 (both passed) alter the definition of “sexual abuse” in provisions of law relating to a “child in need of assistance” and in provisions of law relating to the reporting and investigation of child abuse and neglect. The bills establish that “sexual abuse” includes human trafficking and allowing or encouraging a child to engage in (1) obscene photography, films, poses, or similar activity; (2) pornographic photography, films, poses, or similar activity; or (3) prostitution. These bills codify the current regulations defining sexual molestation for purposes of child in need of assistance and child abuse and neglect cases.

Victims of Crime – Interpreters

HB 1148 Courts – Victims of Crime – Interpreters

If a party or witness in a judicial proceeding is deaf or cannot readily understand or communicate the spoken English language, any party may apply to the court for the appointment of a qualified interpreter to assist that person. On application of a party or witness who is deaf, the court is required to appoint a qualified interpreter for the applicant. In addition, the court is required to appoint a qualified interpreter to help a defendant in a criminal proceeding when the defendant is deaf or cannot readily

understand or communicate the English language and cannot understand a charge or help present the defense. **House Bill 1148 (passed)** authorizes a victim or victims' representative to apply for, and requires the court to appoint, a qualified interpreter if the person is deaf or cannot readily understand or communicate the spoken English language. The bill also requires the court to maintain a directory of interpreters to assist persons who cannot readily understand or communicate the spoken English language.

Unemployment Insurance Coverage for Domestic Violence Victims

HB 769/SB 291 Unemployment Insurance – Coverage – Victims of Domestic Violence

Senate Bill 291 (Ch. 53) specifies that an individual is eligible to receive unemployment insurance benefits if the Department of Labor, Licensing, and Regulation (DLLR) determines the individual voluntarily left employment because the individual or the individual's spouse, minor child, or parent was a victim of domestic violence.

An individual must (1) reasonably believe that the individual's continued employment would jeopardize the safety of the individual or the individual's family; and (2) provide documentation to DLLR substantiating the domestic violence. DLLR must adhere to certain privacy protections and may not charge the benefits payable to a claimant against the rating record of an employer.

SB 291 is also covered under

Business and Economic Issues

Unemployment Insurance

and in pertinent part reads:

Under State law, an individual who is otherwise eligible to receive UI (unemployment insurance) is disqualified from receiving benefits and is subject to a disqualification penalty if the Department of Labor, Licensing, and Regulation (DLLR) find[s] that the unemployment results from voluntarily leaving work without good cause. An individual who leaves work for good cause is eligible to receive UI benefits without a disqualification penalty. DLLR is authorized to determine whether an individual who voluntarily leaves work left for good cause only in specified situations. **Senate Bill 291 (Ch.53)** authorizes DLLR to find that an individual voluntarily left employment for good cause if the cause is directly attributable to the individual or the individual's spouse, minor child, or parent being a victim of domestic violence. The individual must (1) reasonably believe that the individual's continued employment would jeopardize the safety of the individual or the individual's spouse, minor child, or parent; and (2) provide specified documentation to DLLR. Documentation may include only an active or recently issued temporary protective order or any other court order or police record that substantiates the domestic violence to DLLR. DLLR may notify the employer in general

terms that the individual has left employment as a result of domestic violence. Information relating to the domestic violence that is received by DLLR is confidential and not subject to disclosure, except under certain circumstances. Also, DLLR may not charge the benefits payable to a claimant against the rating record of an employer. The Act applies to new claims for UI benefits effective on or after October 1, 2012.

Transportation and Motor Vehicles

Human Trafficking Hotline Information Signs

HB 607/SB 352 National Human Trafficking Resource Center Hotline Information – Sign Posting Requirements

Human trafficking is an umbrella term used to describe the activities involved when someone obtains or holds a person in compelled service. Major forms of human trafficking include forced labor, sex trafficking, bonded labor, debt bondage, involuntary domestic servitude, forced child labor, child soldiers, and child sex trafficking. **Senate Bill 352/House Bill 607 (both passed)** require SHA (The State Highway Administration) and a business owner of a bus station or truck stop to post a specified National Human Trafficking Resource Center hotline information sign in restrooms. Signs must be posted in privately owned bus stations and truck stops and SHA rest areas within the right-of-way of an interstate or State highway. If signs are not posted within a specified timeframe, a business owner is subject to a civil penalty of up to \$1,000.

SB 352/HB 607 is also covered under

Business and Economic Issues

Miscellaneous Business Regulation

National Human Trafficking Resource Center

The U.S. Department of Health and Human Services (DHHS) funds the National Human Trafficking Resource Center hotline, which provides callers with a wide range of services such as crisis intervention, urgent and nonurgent referrals, and anti-trafficking resources and technical assistance. Through the hotline, DHHS seeks to provide up-to-date resources on human trafficking; increase access to services for foreign U.S. citizens, including victims; and provide law enforcement and social service providers with tools to identify human trafficking victims in their communities.

Financial Institutions, Commercial Law, and Corporations

Commercial Law – Generally

Rental-purchase Agreements

HB 997/SB 778 Commercial Law – Rental-Purchase Agreements Best Practices Act

Under **Senate Bill 778/House Bill 997 (both passed)**, a lessor in a rental-purchase agreement is required to maintain a copy of the rental-purchase agreement for three years after final payment. A lessor must provide the consumer with a written receipt for each payment under a rental-purchase agreement made in person by cash or money order or, if the payment is made in any other form, on request. The written receipt must contain the total amount paid, the total amount due that week or month, and the total remaining rental payment necessary to acquire ownership of the item. The lessor must provide the consumer with a written statement of account within three days after the consumer requests it. A lessor may not bring a court action to recover property subject to a rental-purchase agreement until 15 days after the consumer has been sent a specified notice of default. If applicable, the notice must include any amount the consumer must pay to reinstate the rental-purchase agreement. The bills require the Attorney General's website to include the sample rental-purchase agreements.

Health and Human Services

Mandated Benefits and Services

Cancer Chemotherapy

HB 243/SB 179 Kathleen A. Mathias Chemotherapy Parity Act of 2012

Senate Bill 179/House Bill 242 (Chs. 4 and 5) prohibit health insurance carriers that provide coverage for cancer chemotherapy from imposing cost-sharing requirements on coverage for orally administered chemotherapy that are less favorable to an insured or enrollee than the cost-sharing requirements that apply to coverage for chemotherapy that is administered intravenously or by injection. A carrier may not reclassify chemotherapy or increase a cost-sharing requirement imposed on chemotherapy to achieve compliance with the legislation. The legislation does not apply to a policy that provides the essential health benefits required under the federal Affordable Care Act.

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

*The 90 Day Report
A Review of the 2012 Legislative Session
Department of Legislative Services
Maryland General Assembly*

Legislation supported by the Women's Caucus that did not pass:

SB 63/HB 1067 Child Abuse and Neglect – Failure to Provide Notice or Report- Civil Liability and Criminal Penalty

SB 140 Crimes – Child Abuse and Neglect – Failure to Report

HB 391/SB 902 Criminal Procedure – Seizure and Forfeiture – Property Used in Human Trafficking

HB 614/SB 562 Juvenile Sex Crime Victims’ Notice Act

HB 1084/SB 611 Health – Pregnant Women – Hepatitis B Testing

HB 883/SB 561 Family Law – Protective Orders – Additional Relief

HB 244/SB 73 Maryland Centenarians Day

SB 993 Crimes – Human Trafficking of Minor – Defenses

HB 1091/SB 1002 Civil Rights Tax Relief Act

HB 1164/SB 777 State Government – Commemorative Days – Harriet Tubman Day

(4-18-2012)

