

2015 MSBA Final Legislative Report - April, 2015				
Bill	Title & Synopsis	Status	MSBA Position	Notes
HB 48 (SB 60)	<p>Clerks of the Circuit Courts - Collection of Appearance Fees</p> <p>Chair, Judiciary Committee (1 out of 2)</p> <p>Clarifying that if more than one stockholder, partner, member, or employee of a corporation, partnership, limited liability company, or other entity engaged in practicing law enters an appearance in an action or a case, the clerk of the circuit court may collect only one appearance fee per entity; and clarifying that, if more than one employee of a specified governmental entity enters an appearance in an action or a case, the clerk of the circuit court may collect only one appearance fee per governmental...</p>	Passed	Support	
HB 50 (SB 61)	<p>Active Armed Forces Member - Exemption From Payment of Fees for Certain Court Records</p> <p>Chair, Judiciary Committee (1 out of 2)</p> <p>Requiring a clerk of a court to provide without charge a copy of specified papers or records requested by an active armed forces member or by the United States government if the copy is to be used in connection with a claim of the member against the United States government; and requiring a clerk of a court to provide without charge a copy of specified marriage records of an active armed forces member that are requested under specified circumstances.</p>	Passed; Signed by Gov. Chapter 4	Support	
HB 51 (SB 66)	<p>Circuit Court Real Property Records Improvement Fund - Funding</p> <p>Chair, Judiciary Committee (1 out of 2)</p> <p>Extending the termination date from July 1, 2015, to July 1, 2020, of a specified increase in the surcharge on specified recordable instruments that the State Court Administrator is required to establish for the Circuit Court Real Property Records Improvement Fund.</p>	Passed	Support	

HB 54 (SB 64)	<p>Circuit Court Real Property Records Improvement Fund - Funding</p> <p>Chair, Judiciary Committee (1 out of 2)</p> <p>Requiring the State Court Administrator to assess a surcharge on specified fees, charges, and costs in specified cases in the Court of Appeals, Court of Special Appeals, and circuit courts; requiring the Chief Judge of the District Court to assess a surcharge in specified civil cases that may not be more than \$3 per summary ejectment case and \$8 per case for specified civil cases; and requiring the surcharges to be deposited in the Circuit Court Real Property Records Improvement Fund.</p>			<p>HOUSE: 3rd Reading Failed 59-77 then Motion Reconsider 3rd Reading Adopted then 3rd Reading Passed 82-58</p>
HB 111 (SB 332)	<p>Judgeships - Circuit Courts and District Court</p> <p>The Speaker (1 out of 2)</p> <p>Increasing the number of resident judges of the circuit court in Baltimore, Charles, Montgomery, and Prince George's counties and Baltimore City; increasing the number of resident judges of the District Court in District 5 (Prince George's County) and District 6 (Montgomery County); making the Act contingent on the inclusion of funding of at least \$2,049,500 in the fiscal year 2016 State budget for the additional judges authorized under the Act and associated staff; etc.</p>	Died in Senate JPR	Support	
HB 120	<p>Criminal Procedure - Failure to Appear - Rescheduling</p> <p>Vallario (1 out of 13)</p> <p>Authorizing a judge to set a bond in a case on issuing a bench warrant when the defendant fails to appear; requiring a judicial officer to mark a specified bench warrant satisfied under specified circumstances; and requiring the court to reschedule a specified hearing or trial if a specified person posts the bond under specified circumstances.</p>	Passed	Oppose as Drafted	Amendments addressed MSBA concerns.
HB 121	<p>Criminal Procedure - Drug-Related Offenses - Departure From Mandatory Minimum Sentences</p> <p>Anderson (1 out of 16)</p> <p>Specifying that a person convicted of specified drug-related offenses is not prohibited from participating in a specified drug treatment program; authorizing a court to depart from a specified mandatory minimum sentence under specified circumstances; applying the Act prospectively; and requiring the savings realized as a result of the Act to revert to the General Fund to be used for funding drug treatment programs.</p>	Passed	Support	

HB 131 (SB 87)	<p>Criminal Procedure - Transfer to Juvenile Court - Petition for Expungement</p> <p>Chair, Judiciary Committee (1 out of 2)</p> <p>Requiring a petition for expungement of a criminal charge that has been transferred to the juvenile court to be filed in the court of original jurisdiction from which the order of transfer was entered.</p>	Approved by the Governor - Chapter 69	Support	
HB 222 (SB 303)	<p>Criminal Law - Distribution of Heroin or Fentanyl Resulting in Death</p> <p>Dumais (1 out of 24)</p> <p>Prohibiting a person from distributing heroin or fentanyl, the use of which is a contributing cause of the death of another; establishing penalties for a violation of the Act of up to 30 years in prison; providing that it is not a defense that the defendant did not directly distribute the heroin or fentanyl to the decedent; establishing a specified immunity; etc.</p>	<p>House Status: Recommitted to Judiciary (Delegate Dumais) (3/23)</p> <p>Died in House JUD</p>	Oppose	
HB 227	<p>Family Law - Domestic Violence - Definition of Abuse</p> <p>Angel (1 out of 38)</p> <p>Altering the definition of "abuse" for purposes of provisions of law relating to domestic violence to include harassment, trespass, and malicious destruction of property under specified provisions of law if the person eligible for relief has not resided with the respondent for at least 7 days before the filing of the petition.</p>	<p>House Status: Unfavorable Report by Judiciary (4/10)</p>	Support	
HB 283 (SB 319)	<p>Award of Attorney's Fees and Expenses - Violation of Maryland Constitutional Right</p> <p>Carter (1 out of 5)</p> <p>Authorizing a court to award to a prevailing plaintiff reasonable attorney's fees and expenses in specified actions seeking to remedy a violation of a Maryland constitutional right; authorizing a court to award reasonable attorney's fees and expenses to a prevailing defendant under specified circumstances; establishing that specified limits on attorney's fees under the Maryland Tort Claims Act do not apply to a specified award of attorney's fees and expenses; providing for the prospective application...</p>	<p>House Status: Third Reading Passed (87-50) (3/20)</p> <p>Senate Status: Died in Judicial Proceedings</p>	Support	<p>The bill was more narrowly-tailored than the 2014.</p>

<p><u>HB 303 (SB 111)</u></p>	<p>Inmates - Life Imprisonment - Parole Reform</p> <p>Carter (1 out of 9)</p> <p>Repealing specified provisions that provide that inmates serving a term of life imprisonment may be paroled only with the Governor's approval, subject to specified provisions; requiring specified parole decisions to be transmitted to the Governor under specified circumstances; authorizing the Governor to disapprove specified parole decisions in a specified manner; and providing that if the Governor does not disapprove a specified parole decision in a specified manner within a specified time period,...</p>	<p>Died in House Judiciary</p>	<p>Support</p>	
<p><u>HB 348 (SB 468)</u></p>	<p>Civil Right to Counsel - Implementation</p> <p>Rosenberg (1 out of 2)</p> <p>Requiring the Governor to include in the budget bill for each fiscal year a specified appropriation to provide legal representation to income-eligible parties in protective order proceedings; establishing a Judicare Pilot Program to provide legal representation to income-eligible parents in contested custody and visitation proceedings in specified jurisdictions; requiring the Governor to include in the budget bill for each fiscal year a specified appropriation to fund the pilot program; etc.</p>	<p>Unfavorable Report by Judiciary; Withdrawn (3/16)</p>	<p>Support</p>	
<p><u>HB 350</u></p>	<p>Child Custody and Visitation - Deployed Parents</p> <p>Valentino-Smith (1 out of 4)</p> <p>Prohibiting a court, in any child custody or visitation proceeding, from making any negative inference regarding a parent's past, present, or future deployment; altering specified provisions relating to expedited hearings; authorizing a party or witness who is subject to deployment to provide testimony and present evidence by electronic means or by telephone under specified circumstances; authorizing a court to grant custody or visitation on behalf of a deployed parent to another individual unde...</p>	<p>Died in House Judiciary</p>	<p>Oppose</p>	<p>MSBA supported the goals of the legislation, but found the demands of the bill impracticable</p>

<p><u>HB 368 (SB 214)</u></p>	<p>Civil Actions - Immunity From Liability - Emergency Medical Care for Drug Overdose</p> <p>Beidle (1 out of 31)</p> <p>Providing immunity from civil liability for a specified person administering specified medications or treatment in response to an apparent drug overdose if the person is licensed or certified as an emergency medical services provider by the State Emergency Medical Services Board and is authorized to administer the medications and treatment under specified protocols, or is certified to administer the medications and treatment under specified protocols; applying the Act prospectively; etc.</p>	<p>Passed</p>	<p>Oppose</p>	<p>Felt that Immunity Provision was unnecessary</p>
<p><u>HB 391</u></p>	<p>Office of the Public Defender - Eligibility for Services</p> <p>Rosenberg (1 out of 4)</p> <p>Prohibiting the Office of the Public Defender or a panel attorney from continuing representation after a specified bail hearing unless financial eligibility is determined; requiring the Office of the Public Defender to investigate the financial status of an applicant under all circumstances; etc.</p>	<p>Died in House Judiciary</p>	<p>Oppose</p>	<p>Proponents failed to establish need for the bill.</p>
<p><u>HB 457</u></p>	<p>Criminal Law - Death Penalty - Murder of Law Enforcement Officer, Correctional Officer, First Responder, or Witness</p> <p>McDonough (1 out of 4)</p> <p>Providing that a person who is convicted of first degree murder may be sentenced to death under specified circumstances; providing that the murder of a law enforcement officer, a correctional officer, a specified first responder, or a specified witness, under specified circumstances is an aggravating circumstance that the court or jury must consider in making a determination as to the imposition of the death penalty; establishing procedures for the imposition of the death penalty; etc.</p>	<p>Unfavorable Report by House Judiciary (3/19)</p>	<p>Oppose</p>	
<p><u>HB 461</u></p>	<p>District Court - Civil Jurisdiction - Amount in Controversy</p> <p>Rosenberg (1 out of 4)</p> <p>Increasing from \$30,000 to \$50,000 the amount in controversy that determines the civil jurisdiction of the District Court in specified cases; and applying the Act prospectively.</p>	<p>Unfavorable Report by Judiciary; Withdrawn (3/19)</p>	<p>Oppose</p>	<p>\$50,000 was too high a threshold; Discovery concerns</p>

HB 503 (SB 78)	<p>Rape Survivor Family Protection Act</p> <p>Dumais (1 out of 57)</p> <p>Excluding as a father of a child, for purposes of specified provisions relating to the paternity of a child in a guardianship or adoption proceeding, a man who has committed a specified sexual crime against the child's mother; requiring a court to consider a specified statement when making a specified finding; prohibiting a court from requiring publication of specified information under specified circumstances; etc.</p>	<p>Died in House Judiciary & Senate Judicial Proceedings</p>	<p>Oppose</p>	<p>Major due process concerns.</p>
HB 559	<p>University System of Maryland - Law School Clinics - Prohibited Activities</p> <p>Buckel (1 out of 19)</p> <p>Prohibiting the law clinic of a law school at a constituent institution of the University System of Maryland from participating in litigation opposing, contesting, or seeking judicial review of an act, a decision, or a determination of a State agency, department, or board.</p>	<p>Unfavorable Report by Appropriations (3/16)</p> <p>Appropriations Fri 3/6 1:00 PM</p>	<p>Oppose</p>	<p>Impinging upon academic freedom, and would place MD law schools at a competitive disadvantage</p>
HB 680	<p>Evidence - Conviction for Traffic Offense - Admissibility in Civil Proceeding</p> <p>Moon (1 out of 6)</p> <p>Providing that evidence of a conviction for a traffic offense may be admitted as evidence in a civil proceeding to prove specified facts under specified circumstances; requiring the trier of fact to determine the weight to be accorded evidence of a conviction for a traffic offense that is admitted as evidence under the Act; and providing for the prospective application of the Act.</p>	<p>House Status: Third Reading Passed (96-41) (3/19)</p> <p>Senate Status: Unfavorable Report by Judicial Proceedings (4/9)</p>	<p>Oppose</p>	<p>Legislating Rules of Evidence.</p>
HB 816	<p>Courts - Evidence - Membership in or Association With a Criminal Gang</p> <p>Wilson, B. (1 out of 5)</p> <p>Authorizing the admissibility of specified evidence in a civil or criminal proceeding to prove membership in or association with a criminal gang.</p>	<p>Unfavorable Report by House Judiciary (3/19)</p>	<p>Oppose</p>	<p>Both vague <u>and</u> ambiguous.</p>

<p>HB 898</p>	<p>Civil Actions - Immunity From Liability - Emergency Medical Care for Drug Overdose</p> <p>Bromwell (1 out of 20)</p> <p>Providing immunity from civil liability for a specified person administering medications or treatment in response to an apparent drug overdose if the person is trained and certified under specified protocols established by the Secretary of Health and Mental Hygiene; extending immunity under the Act to a corporation when its fire department personnel are immune under the Act; and applying the Act prospectively.</p>	<p>House Status: Unfavorable Report by Judiciary (3/18)</p>	<p>Oppose</p>	<p>Concerns with unnecessary immunity provision.</p>
<p>HB 1058</p>	<p>Criminal Procedure - Expungement - Nonviolent Convictions</p> <p>Carter (1 out of 7)</p> <p>Authorizing a person to file a petition for expungement of a specified record if the person was convicted of a specified nonviolent crime; specifying that a petition for expungement under the Act may not be filed before satisfactory completion of the sentence, including probation; providing that a determination as to whether a person is entitled to expungement under the Act is within the discretion of the court; etc.</p>	<p>House Status: Unfavorable Report by Judiciary (3/9)</p>	<p>Oppose</p>	<p>Overly broad.</p>
<p>SB 16</p>	<p>Criminal Procedure - Expungement - Misdemeanor and Felony Convictions</p> <p>Conway (1 out of 1)</p> <p>Authorizing a person to file a petition for expungement of a police or court record if the person was convicted of a misdemeanor or felony, with specified exceptions; specifying the time periods within which a petition for expungement based on a conviction of a misdemeanor or felony may not be filed; etc.</p>	<p>Senate Status: Unfavorable Report by Judicial Proceedings (3/9)</p>		<p>Overly broad.</p>
<p>SB 60 (HB 48)</p>	<p>Clerks of the Circuit Courts - Collection of Appearance Fees</p> <p>Chair, Judicial Proceedings Committee (1 out of 2)</p> <p>Clarifying that if more than one stockholder, partner, member, or employee of a corporation, partnership, limited liability company, or other entity engaged in practicing law enters an appearance in an action or a case, the clerk of the circuit court may collect only one appearance fee per entity; and clarifying that, if more than one employee of a specified governmental entity enters an appearance in an action or a case, the clerk of the circuit court may collect only one appearance fee per governmental...</p>	<p>Passed</p>	<p>Support</p>	

SB 61 (HB 50)	<p>Active Armed Forces Member - Exemption From Payment of Fees for Certain Court Records</p> <p>Chair, Judicial Proceedings Committee (1 out of 13)</p> <p>Requiring a clerk of a court to provide without charge a copy of specified papers or records requested by an active armed forces member or by the United States government if the copy is to be used in connection with a claim of the member against the United States government; and requiring a clerk of a court to provide without charge a copy of specified marriage records of an active armed forces member that are requested under specified circumstances.</p>	Approved by the Governor - Chapter 4 (4/14)	Support	
SB 64 (HB 54)	<p>Circuit Court Real Property Records Improvement Fund - Funding</p> <p>Chair, Judicial Proceedings Committee (1 out of 2)</p> <p>Requiring the State Court Administrator to assess a surcharge on specified fees, charges, and costs in specified cases in the Court of Appeals, Court of Special Appeals, and circuit courts; requiring the Chief Judge of the District Court to assess a surcharge in specified civil cases that may not be more than \$3 per summary ejectment case and \$8 per case for specified civil cases; and requiring the surcharges to be deposited in the Circuit Court Real Property Records Improvement Fund.</p>	HB 54 Passed	Support	
SB 66 (HB 51)	<p>Circuit Court Real Property Records Improvement Fund - Funding</p> <p>Chair, Judicial Proceedings Committee (1 out of 2)</p> <p>Extending the termination date from July 1, 2015, to July 1, 2020, of a specified increase in the surcharge on specified recordable instruments that the State Court Administrator is required to establish for the Circuit Court Real Property Records Improvement Fund.</p>	Passed	Support	
SB 78 (HB 503)	<p>Rape Survivor Family Protection Act</p> <p>Raskin (1 out of 30)</p> <p>Excluding as a father of a child, for purposes of specified provisions relating to the paternity of a child in a guardianship or adoption proceeding, a man who has committed a specified sexual crime against the child's mother; requiring a court to consider a specified statement when making a specified finding; prohibiting a court from requiring publication of specified information under specified circumstances; etc.</p>	Died on both Senate JPR and House JUD	Oppose	Major due process concerns.

SB 87 (HB 131)	<p>Criminal Procedure - Transfer to Juvenile Court - Petition for Expungement</p> <p>Chair, Judicial Proceedings Committee (1 out of 2)</p> <p>Requiring a petition for expungement of a criminal charge that has been transferred to the juvenile court to be filed in the court of original jurisdiction from which the order of transfer was entered.</p>	Passed	Support	
SB 111 (HB 303)	<p>Inmates - Life Imprisonment - Parole Reform</p> <p>McFadden (1 out of 4)</p> <p>Repealing specified provisions that provide that inmates serving a term of life imprisonment may be paroled only with the Governor's approval, subject to specified provisions; requiring specified parole decisions to be transmitted to the Governor under specified circumstances; authorizing the Governor to disapprove specified parole decisions in a specified manner; and providing that if the Governor does not disapprove a specified parole decision in a specified manner within a specified time period,...</p>	Died in Senate JPR	Support	Attempted to remove political pressure from parole decisions.
SB 121	<p>Courts - Discovery - Examination in Aid of Enforcement of Money Judgment</p> <p>Norman (1 out of 7)</p> <p>Prohibiting a circuit court and the District Court, in ruling on a certain request by a judgment creditor for an examination in aid of enforcement of a specified judgment, from requiring the judgment creditor to show that good cause exists for the examination; etc.</p>	Passed	Oppose	Restricting judicial discretion, more of a Rules Committee issue.
SB 188 (HB 402)	<p>Task Force to Study the Establishment of Health Courts</p> <p>Pugh (1 out of 7)</p> <p>Establishing the Task Force to Study the Establishment of Health Courts; requiring the Task Force to study the adequacy and cost of State laws and policies relating to the litigation of medical malpractice cases and make recommendations regarding the establishment of health courts to hear medical malpractice cases and the feasibility of assigning a medical malpractice case to a single judge throughout the litigation process; requiring the Task Force to report to the Governor and General Assembly by...</p>	Unfavorable Report by Judicial Proceedings (3/23)	Oppose	

<p><u>SB 214 (HB 368)</u></p>	<p>Civil Actions - Immunity From Liability - Emergency Medical Care for Drug Overdose</p> <p>Anne Arundel County Senators (1 out of 1)</p> <p>Providing immunity from civil liability for a specified person administering medications or treatment in response to an apparent drug overdose if the person is trained and certified under specified protocols established by the Secretary of Health and Mental Hygiene; extending immunity under the Act to a corporation when its fire department personnel are immune under the Act; and applying the Act prospectively.</p>	<p>Unfavorable Report by Judicial Proceedings (3/16)</p>	<p>Oppose</p>	
<p><u>SB 303 (HB 222)</u></p>	<p>Criminal Law - Distribution of Heroin or Fentanyl Resulting in Death</p> <p>Lee (1 out of 7)</p> <p>Prohibiting a person from distributing heroin or fentanyl, the use of which is a contributing cause of the death of another; establishing penalties for a violation of the Act of up to 30 years in prison; providing that it is not a defense that the defendant did not directly distribute the heroin or fentanyl to the decedent; establishing a specified immunity; etc.</p>	<p>Senate Status: Unfavorable Report by Judicial Proceedings; Withdrawn (3/26)</p>	<p>Oppose</p>	
<p><u>SB 319 (HB 283)</u></p>	<p>Award of Attorney's Fees and Expenses - Violation of Maryland Constitutional Right</p> <p>Muse (1 out of 3)</p> <p>Authorizing a court to award to a prevailing plaintiff reasonable attorney's fees and expenses in specified actions seeking to remedy a violation of a Maryland constitutional right; authorizing a court to award reasonable attorney's fees and expenses to a prevailing defendant under specified circumstances; establishing that the limit on the liability of the State under the Maryland Tort Claims Act does not include a specified award of attorney's fees and expenses; etc.</p>	<p>Died in Senate JPR;</p>	<p>Support</p>	<p>House Bill 283 passed House and died in JPR</p>
<p><u>SB 332 (HB 111)</u></p>	<p>Judgeships - Circuit Courts and District Court</p> <p>President (1 out of 2)</p> <p>Increasing the number of resident judges of the circuit court in Baltimore, Charles, Montgomery, and Prince George's counties and Baltimore City; and increasing the number of resident judges of the District Court in District 5 (Prince George's County) and District 6 (Montgomery County).</p>	<p>Committees: Judicial Proceedings and B&T</p>	<p>Support</p>	<p>HB 111 passed House but died in Sen. JPR</p>

<p>SB 367 (HB 582)</p>	<p>Circuit Court Judges - Selection, Qualifications, and Term of Office</p> <p>Kelley (1 out of 29)</p> <p>Proposing an amendment to the Maryland Constitution repealing provisions relating to election of circuit court judges; requiring the Governor, by and with the advice and consent of the Senate, to appoint a qualified person to fill a vacancy in the office of a judge of the circuit court; altering the term of office of circuit court judges from 15 to 10 years; requiring the Governor to reappoint a circuit court judge, by and with the advice and consent of the Senate, upon the expiration of the judge's...</p>	<p>Died in Senate JPR; HB 111 passed House and died in JPR</p>	<p>Support</p>	
<p>SB 468 (HB 348)</p>	<p>Civil Right to Counsel - Implementation</p> <p>Madaleno (1 out of 1)</p> <p>Requiring the Chief Judge of the Court of Appeals to certify to the Governor for inclusion without revision in each State budget a specified appropriation to provide legal representation to income-eligible parties in protective order proceedings; establishing a Judicare Pilot Program to provide legal representation to income-eligible parents in contested custody and visitation proceedings in specified jurisdictions; providing for funding for the pilot program; establishing a workgroup to monitor implementation;...</p>	<p>Senate Status: <u>Unfavorable Report by Judicial Proceedings (3/13)</u></p>	<p>Support</p>	
<p>SB 474</p>	<p>Civil Jury Trials - Amount in Controversy</p> <p>Ramirez (1 out of 1)</p> <p>Increasing, from more than \$15,000 to more than \$30,000, the amount in controversy in civil proceedings in which the right to a jury trial may be limited by legislation; and submitting the constitutional amendment to the qualified voters of the State for their adoption or rejection.</p>	<p>Died in Sen. JPR</p>	<p>Support</p>	<p>Dollar amounts were more reasonable in this legislative approach.</p>
<p>SB 679</p>	<p>Election of Circuit Court Judges - Nonpartisan General Election</p> <p>Raskin (1 out of 3)</p> <p>Establishing a method for the election of judges to the circuit court on a nonpartisan basis at a general election; providing that a candidate for election as judge of a circuit court may be nominated at a primary election; establishing a deadline for the filing of a certificate of candidacy for a candidate for election as a judge of the circuit court; deeming the office of judge of a circuit court vacant under specified circumstances and that the vacancy be filled in a specified manner; etc.</p>	<p>Unfavorable Report by Judicial Proceedings; Withdrawn (3/16)</p>	<p>Support</p>	<p>MSBA Law Reform Committee bill</p>

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