

MARYLAND SENATE
JUDICIAL PROCEEDINGS COMMITTEE

A Record of Historic Progress

2020-2022



Message From the Chair

The work of the Maryland General Assembly's Senate Judicial Proceedings Committee touches the life of every Maryland resident and I believe has the potential to shape their prospects more intimately than any other element of state government. It is a solemn responsibility, and my commitment as chair has been to prioritize legislation aimed at remedying past injustice and which puts us on a path toward securing a more just and equitable future for every Marylander.

Senate President Bill Ferguson appointed me to become chair of the Judicial Proceedings Committee in 2019 - my first session as chair was 2020. Amid new senate leadership and on the brink of the pandemic, I came into the role with a deep sense of urgency as progress in too many areas of our state had been painstakingly slow. That sense of urgency is felt more acutely during our annual 90-legislative session during which there is never enough time to make as much progress as we would like for those Marylanders facing the most urgent and dire challenges.

But with those challenges comes seemingly limitless possibility. A friend of mine once told me the greatest power of an elected official is the power to convene. I would add that in our efforts to convene we also need to be radically inclusive. As elected officials we have the ability to call upon experts, academics, advocates, and impacted communities to help us solve problems. If we seize upon the opportunity to bring people together and we do so in an inclusive manner, there is no limit to our potential. As chair of the Judicial Proceedings Committee, and especially as an African American, I have made it a priority to bring more people to the table to change policies and the outlook—the possibilities—for what we can do. And I believe our work in the last three years has been revolutionary and amazing.

The pandemic and ever stark realities of racial injustice have pushed to the surface the inequities deeply embedded in our country's fabric, and the last few years—2020-2022—have represented both an imperative and an opportunity like never before to make progress for the people of Maryland. I am honored to say that, despite a 2020 session cut short by COVID, our committee has led historic progress in reforming criminal justice and policing in Maryland, in making our state a welcoming and equitable place for all residents and, perhaps most importantly, in holding our state accountable for safeguarding our civil rights. This document is an accounting of that progress.

The work of the Judicial Proceedings Committee 2020-2022—in partnership with our fellow lawmakers and you, our constituents—will shape the future for all Marylanders. I am eager to share this document with you, *Maryland Senate Judicial Proceedings Committee 2020-2022: A Record of Historic Progress*. I believe it reflects what we can make happen when we are radically inclusive in our work together.

Senator William C. Smith, Jr.
Chairman
Judicial Proceedings Committee

Committee Overview

Established in December 1831, the Judicial Proceedings Committee is the oldest standing committee in the General Assembly. The Senate President appoints committee chairs and members at the start of each legislative session, and assigns the committee bills and resolutions relating to criminal and civil laws, and a range of subject matter related to civil rights and access to justice—including: constitutional amendments; corporations and associations; correctional facilities and services; criminal and civil laws, penalties and procedures; family law; human relations; judicial administration and court structure; juvenile justice; law enforcement organizations; the legal profession; legal rights and immunities; public safety; real property, including landlord and tenant laws; trusts and estates; and vehicle laws, including drunk driving.

The committee has 11 members. As of this latest 2022 legislative session, the committee included:



William C. Smith Jr.
Chair



Jeffrey D. Waldstreicher
Vice-Chair



John D. (Jack) Bailey



Jill P. Carter



Robert G. Cassilly



Shelly L. Hettleman



Michael J. Hough



Ronald L. Watson



Susan C. Lee



Charles E. Sydnor III



Christopher R. West



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Safeguarding Our Civil Rights

2020

SB 161—Crimes – Hate Crimes – Use of an Item or a Symbol to Threaten or Intimidate

This law prohibits an individual from placing, drawing or writing an item or symbol—including an actual or depicted noose or swastika—on any property, public or private, with the intent to threaten or intimidate any person or group of persons and without the express permission of the property owner.

SB 531—The Crown Act – Discrimination – Definition of Race – Hair Texture and Hairstyles

Research shows that Black women are 80% more likely to change their hairstyle to fit into an academic or professional setting. “The Crown Act” sets out to change that by expanding Maryland’s antidiscrimination law to include in its definition of race “traits associated with race, including hair texture, afro hairstyles and protective hairstyles,” and making these hairstyles a protected characteristic under the state’s antidiscrimination law dealing with employment, public accommodations and housing.

SB 606—Criminal Law – Hate Crimes – Basis (2nd Lieutenant Richard Collins, III’s Law)

In 2018, Maryland law enforcement agencies reported 375 hate bias incidents; in 2019, there were zero convictions in all of Maryland’s Circuit Courts under the current hate crime statute. To wit: 2nd Lieutenant Richard Collins, III was fatally stabbed at University of Maryland, College Park and while his assailant was charged with first degree murder and a hate crime, the latter was dropped because the prosecution couldn’t prove that race was the “actual motive” for the stabbing. Passed in 2020, 2nd Lieutenant Richard Collins, III’s Law strengthened Maryland’s hate crimes statute to include actions motivated either in whole or in substantial part by another person’s or group’s race, color, religious beliefs, sexual orientation, gender, disability, national origin, or experience of homelessness.

2021

SB 455/HB 290—Employment Discrimination – Time For Filing Complaint

This amendment to Maryland’s Fair Employment Practices Act (FEPA) extends the window for filing a charge of discrimination with the Maryland Commission on Civil Rights. Allegation of an unlawful employment practice other than harassment must now be filed within 300 days of the last alleged discriminatory act, compared to the previous 180 days.

2022

SB 313/HB 244—Civil Actions – Damages – Use of Race, Ethnicity and Gender Data

With this law, a court in Maryland is now prohibited from reducing the amount of money damages awarded to a plaintiff based on their race, ethnicity or gender.



SB 450—Harassment and Sexual Harassment – Definitions – Employment Discrimination and Sexual Harassment Prevention Training

Until now, Maryland's definition of workplace harassment has failed to protect employees. In weighing whether conduct is "severe or pervasive" enough to create a hostile work environment, courts have set an unreasonable burden for employees, and their narrow interpretation often results in cases challenging egregious workplace behavior getting thrown out. E.g., a 4th Circuit court found that an incident where a coworker stared at an employee's breasts and told her she was attractive and should be spanked did not constitute "severe" or "pervasive" harassment. That injustice ends with this new law, which expands the definition of "harassment" to include sexual harassment and certain unwelcome and offensive conduct, and bolsters requirements for employment discrimination and sexual harassment prevention training in state government.

SB 451—Unlawful Employment Practice – Statute of Limitations – Tolling

A big step forward in expanding justice for victims of workplace harassment, this law suspends the statute of limitations to allow time for an administrative investigation into the conduct at the center of a workplace harassment complaint. Once the administrative case is closed, the complainant may file suit in a court of law.

SB 666/HB 850—The Inclusive Schools Act

Unlike other parts of Maryland law such as public accommodations, employment and fair housing, our education laws historically have lacked codified anti-discrimination protections. After five years of introducing legislation to change this arcane reality, the legislature this year passed The Inclusive Schools Act, prohibiting any Maryland pre-k, primary or secondary public or private school that receives state funding from discriminating against a student or prospective student based on race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity or disability.



Securing Safe, Affordable Housing for All

2020

SB 530—The Housing Opportunities Made Equal (HOME) Act

While Maryland landlords have long been unable to discriminate against renters based on race, sex or religion, they could, until 2020, reject tenant applications based on source of income. Source of income discrimination has been illegal at the local level in many jurisdictions for years; in 2019 half of Marylanders lived in jurisdictions with such bans. In 2020, we finally won this long-overdue battle and caught the state up to its counties and Baltimore City by making it illegal for landlords to refuse to rent to potential tenants based on their legal source of income.

2021

SB 154/HB 18—Landlord and Tenant – Residential Tenants – Access to Counsel

This law ensures low-income tenants access to legal counsel in eviction cases through the Maryland Legal Services Corporation, the state's largest funder of civil legal aid.

SB 401—Landlord-Tenant – Nonrenewal of Lease – Notice Requirements

This law requires landlords to give tenants more notice before not renewing their leases—and more time for tenants to find new housing. It extends from 30 days to 60 days the notice that landlords must give tenants when they choose not to renew residential leases that are for less than a year.

2022

SB 279—Access to Counsel in Evictions Special Fund – Alteration

One of several measures to fund the state's access to counsel program for low-income tenants facing evictions, this law allows settlement funds received by the Maryland Attorney General's Consumer Protection Division to be directed to the state's Access to Counsel in Evictions Special Fund. This aligns with precedents like the Opioid Restitution Fund where state revenues from settlements with opioid manufacturers go to substance use programs.

SB 592—Landlord and Tenant – Right to Redemption of Leased Premises – Form of Payment

More and more renters have fallen behind on rent during COVID and evictions have spiked. But even as local governments have raced to stand up eviction prevention programs, many landlords have declined the emergency rental assistance payments being offered by government agencies on tenants' behalf. This law requires that landlords accept government-issued back-rent payments.

SB 662—Access to Counsel in Evictions Special Fund – Funding

This law further secures funding for—and the viability of—the state's access to counsel fund for vulnerable tenants by requiring that \$14 million in abandoned property funds get to the fund, along with an FY2024 appropriation of \$14 million from the Fund to the Maryland Legal Services Corporation.



Making Our State More Inclusive

2021

SB 46/HB 554—Crimes – Mitigation and Defense – Race, Color, National Origin, Sex, Gender Identity or Sexual Orientation

Until now, Maryland case law has allowed a defendant to use the “LGBTQ+ panic defense” to reduce charges of murder and assault, asserting that discovery or perception of a person’s sexual orientation, sex or gender identity drove the defendant to kill or harm in the heat of the moment; under a reduced mental capacity; or because of a perceived sense of imminent danger. From 2016 to 2019, Maryland State Police registered 130 bias motivation incidents against the LGBTQ+ community. This somber statistic forces us to do more in Maryland to protect LGBTQ+ residents in our communities. It prohibits defendants accused of murder or assault from using their victim’s race, color, national origin, sex, gender identity or sexual orientation to justify or excuse their violent actions.

SB 220/HB 128—Hate Crimes – Sexual Orientation

This law makes a crime committed against someone based on their gender identity a hate crime in Maryland. The bill also allows courts to order perpetrators of hate crimes to complete an antibias education program established by the University System of Maryland.

SB 234/HB 23—Personal Services – State and Local Agencies – Restrictions on Access (Maryland Driver Privacy Act)

Maryland offers a limited driver’s licenses to people without certain documents. This makes our roads safer and allows 10s of 1,000s of Marylanders to get to and from work and contribute meaningfully to our state. Recently, federal immigration officials have accessed our MVA database, which contains personal identifying and facial recognition information. This law makes sure US Immigration and Customs Enforcement (ICE) can’t use the MVA database to target our immigrant neighbors.

SB 478/HB 16—Correctional Services – Immigration Detention – Prohibition (Dignity Not Detention Act)

Our state shouldn’t profit from detaining people facing immigration proceedings. This law bars state government from contracting with private detention facilities and from receiving federal funds to house individuals awaiting immigration proceedings in state and local detention facilities. It also bars law enforcement from asking about immigration status during traffic stops.

SB 581/HB 39—Action for Change of Name – Waiver of Publication Requirement

Maryland has long required publication of one’s change of name to ensure debtors can’t change their name to trick creditors and avoid collection on debts they owe. But this requirement can be extremely traumatizing and unfair for trans or gender nonbinary individuals. Under this law the court can waive this requirement.



Honoring the “Justice” in Juvenile Justice

2021

SB 494—Juveniles Convicted as Adults – Sentencing – Limitations and Reduction (Juvenile Restoration Act)

No child is beyond the hope of redemption. Yet in Maryland we have a long history of sentencing children to life sentences without parole. In 2020, 15% of individuals serving life sentences in Maryland were convicted of crimes they committed before turning 18. The Juvenile Restoration Act eliminates life sentences without parole for children and permits those convicted of crimes they committed as minors to file for a sentence reduction.

2022

SB 3—Facilities – Disabilities, Juveniles, Behavioral Health and Health Care – Plans

This law strengthens the accountability of the Department of Juvenile Services for the safety of young people in the care of the state’s juvenile facilities. The department must require each juvenile facility in the state to establish and implement a safety plan that must be updated at least every five years.

SB 53—Juvenile Law – Child Interrogation Protection Act

Our state constitution guarantees people the right to counsel in an interrogation, but we have carved out an exception when it comes to the most vulnerable among us: our children. This law ensures young people have access to an attorney during a custodial interrogation, a part of the criminal process, and seeks to protect children from being coerced into, for example, providing false confessions to police.

SB 691—Juvenile Justice Reform

In 2020, Human Rights for Kids ranked Maryland among the worst states for protecting the human rights of children in our justice system. In Maryland, children face the same mandatory minimum sentences as adults who commit the same crimes, there are no laws to protect them from being placed in traumatizing conditions like solitary confinement, they can be incarcerated with adults in prisons and jails, and they can be charged criminally at any age. In 2020 some 1,500 delinquency complaints were filed against children younger than 13, and 71.5% of them were Black. Meanwhile, just 32% of young people ages 5-17 in Maryland are Black. This year’s sweeping Juvenile Justice Reform bill would generally prohibit children under 13 from facing criminal charges, and set limitations on terms of detention, out-of-home placement and probation that can be imposed by juvenile courts.



“The fundamental question about this bill is whether you believe in the redemptive quality of the human condition.”

► Sen. Will Smith

Chair, Senate Judicial Proceedings Committee

Making Policing More Effective and Just

2020

SB 305—Public Safety – Crisis Intervention Team Center of Excellence

Increasingly, law enforcement officers engage individuals with mental illness, underscoring the need for police and mental health service providers to work together to support people experiencing mental health crises. The Crisis Intervention Team Center of Excellence in the Governor’s Office of Crime Prevention, Youth and Victim Services provides technical support to local governments, law enforcement, public safety agencies, behavioral health agencies and crisis service providers.

2021

In 2021, Maryland lawmakers passed the Maryland Police Accountability Act of 2021, a series of police reform bills to end harmful police tactics and launch a holistic approach to law enforcement.

SB 71—Body-Worn Cameras, Employee Programs and Use of Force

Focused primarily on police body cameras, this law requires all law enforcement agencies in the state to implement them by 2025. It also establishes a statewide use of force standard aimed at protecting life. And it requires agencies to offer employee assistance programs, including mental health services to every law enforcement officer in our state. We call upon our law enforcement officers to deal with immensely difficult situations on a daily basis. We must also provide them with the supports to navigate stressful situations that can have an adverse impact on their mental health.

SB 178—Anton’s Law: Transparency into Police Disciplinary Records

For decades the public couldn’t access police misconduct records. This law increases transparency and accountability in policing by making police disciplinary records publicly accessible through the Maryland Public Information Act. Named after Anton Black, a 19-year-old who died in police custody in 2018 in the rural town of Greensboro on the Eastern Shore, Anton’s Law also severely limits no-knock warrants, which allow police to enter residences unannounced: Police in Maryland are now only able to search someone’s home without notice between 8 a.m. and 7 p.m., except in an emergency. Maryland is now among 27 states with restrictions on this controversial and dangerous tactic.

SB 600—Independent Investigations of Police-Involved Deaths

Police in Maryland can no longer police themselves, thanks to this law that creates a unit in the Attorney General’s Office to investigate all civilian deaths at the hands of police in Maryland. The law also prohibits law enforcement agencies from buying certain surplus military equipment, such as weaponized aircrafts, drones or vehicles.



SB 670—Repeal of the Law Enforcement Officer’s Bill of Rights (LEOBR) and Establishment of Uniform Police Accountability Standards

With passage of this law, Maryland became the first state in the nation to repeal LEOBR and replace it with a structure that increases civilian oversight of police accountability. All Maryland counties and Baltimore City must establish police accountability boards, administrative charging committees and publicly accessible trial boards. The law also prohibits police unions from collectively bargaining on matters relating to police discipline, and it increases civil liability for state and local governments for tortious acts or constitutional violations arising out of police misconduct.

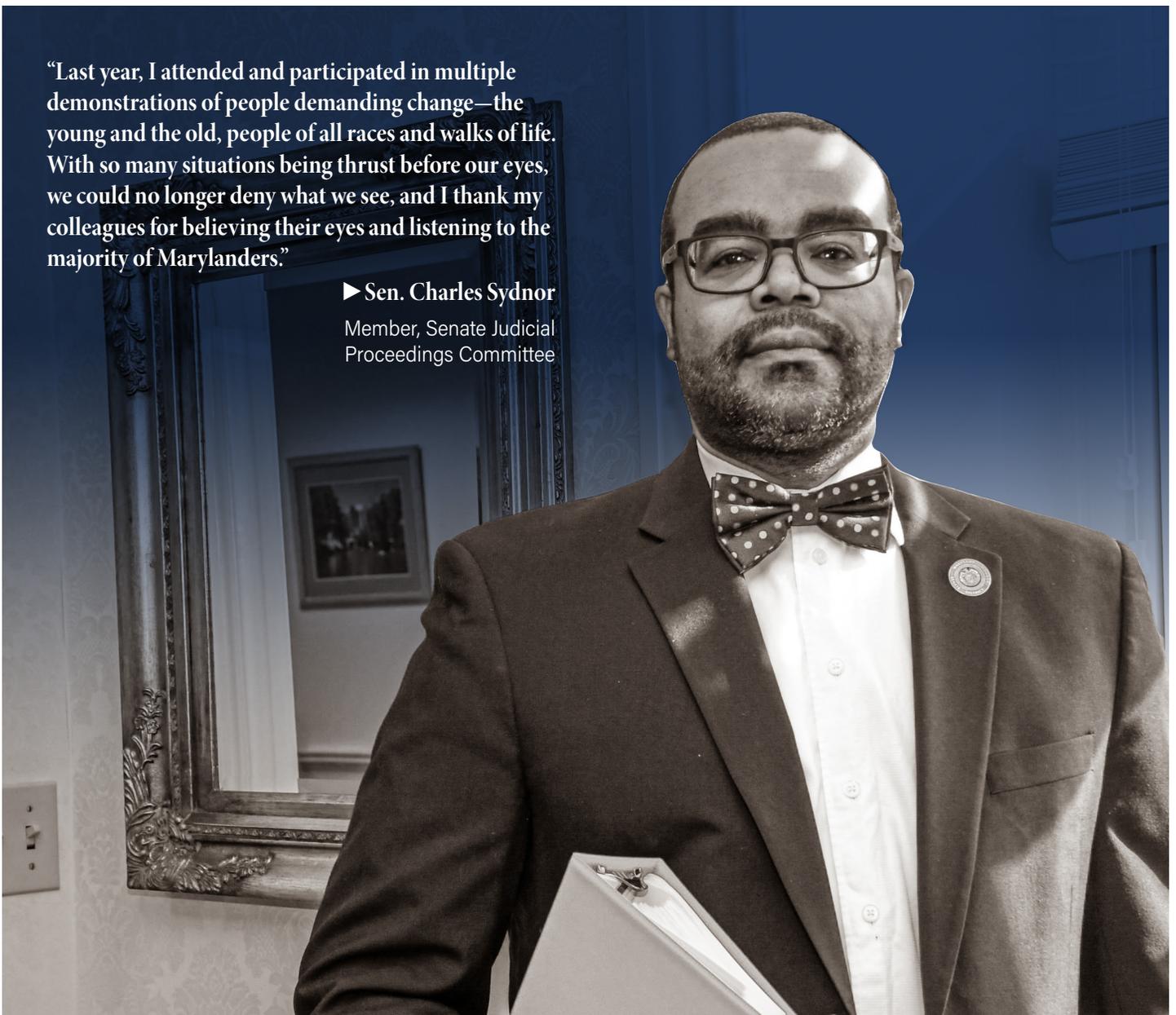
SB 786—Local Control of the Baltimore Police Department

For more than 160 years, the Baltimore Police Department has been a state agency, making Baltimore the only jurisdiction in Maryland—and the only city of its size in the country—without control over its own police department. BPD has serious and systemic problems that need to be addressed, especially persistent brutality against Black residents. The people who should set policy and hold BPD accountable for its actions are members of the Baltimore City Council. But because BPD is by law a state agency, the hands of the council are tied when it comes to holding BPD accountable. Passage of this bill establishes BPD as an agency of Baltimore City, rather than the State of Maryland, subject to ratification by city voters in the 2022 or 2024 election.

“Last year, I attended and participated in multiple demonstrations of people demanding change—the young and the old, people of all races and walks of life. With so many situations being thrust before our eyes, we could no longer deny what we see, and I thank my colleagues for believing their eyes and listening to the majority of Marylanders.”

► Sen. Charles Sydnor

Member, Senate Judicial Proceedings Committee



Continuing Criminal Justice Reform

2020

SB 534—Courts – Discovery – In-Custody Witness Testimony

Jail-house witnesses are incarcerated individuals who are offered incentives by prosecutors—such as lenience in their case—to testify against fellow inmates. In 2019, four people in Maryland were wrongfully convicted based on the false testimony of such witnesses, raising constitutional issues, issues of injustice and major fiscal impacts. This law forces accountability onto this practice by requiring a State’s Attorney to record testimony from jail-house witnesses, report it to the Governor’s Office of Crime Prevention, Youth, and Victim Services and disclose it to the defendant in question.

2021

SB 14—Compensation to Individual Erroneously Convicted, Sentenced and Confined (The Walter Lomax Act)

Until now, few exonerees in Maryland were compensated, and for those who were, it was a long and challenging process. This law fixes our state’s compensation system for wrongfully convicted Marylanders by designating Administrative Law Judges to oversee the process instead of the state’s Board of Public Works and establishes a clear process and path to compensation for Marylanders who prove their innocence. It is named after Walter Lomax, who was exonerated in 2014 after spending 39 years in prison for a series of fatal robberies he did not commit.

SB 20—Vehicle Laws – Canceled, Revoked and Suspended Driver’s License – Penalties

This law decriminalizes non-violent motor vehicle offenses that are related to canceled, revoked and suspended driver’s licenses. Specifically, it eliminates jail sentences of two months, reduces the number of points a person can receive from 12 to three and does away with the many layers of unnecessary criminalization, including arrests, court appearances and trials.

SB 114—Criminal Procedure – Expungement of Conviction and Subsequent Offender Penalties – Driving While Privilege Is Canceled, Suspended, Refused or Revoked

This law makes driving with a suspended, canceled, refused or revoked license an expungable offense after a period of time, allowing individuals to remove barriers like entering the workforce with a record.

SB 201—Criminal Procedure – Expungement of Records

Having a criminal record prevents and reduces the possibility of employment, housing, insurance—everything that facilitates one’s ability to recover to a good quality of life. This law reduces the waiting period for a petition for expungement of record from three years to 18 months.

SB 202—Correctional Services – Parole – Life Imprisonment (Getting the Governor Out of Parole)

In 1995, Gov. Parris Glendonning announced a “life means life” policy to not grant parole for those serving life sentences. Subsequent governors, until Gov. Larry Hogan, followed suit, failing to release a single parole-eligible “lifer.” For decades, advocates and community members have urged the General Assembly to depoliticize parole in Maryland. At long last, we passed this bill to take the governor out of the parole process and give the Maryland Parole Commission full authority to make these decisions.

SB 671—Criminal Procedure – Charging Procedures – Citations

Police-citizen interactions, especially arrests, are inherently dangerous. This law establishes a system of citations for minor offenses to reduce arrests and limit opportunities for non-compliance and force.

2022

SB 387—Public Safety – Untraceable Firearms

Starting June 1, 2022, the purchase of ghost guns will be banned in Maryland; starting March 1, 2023, that ban will be extended to include ownership of non-serialized firearms.

SB 452—Small Claims – Examination in Aid of Enforcement and Interrogatories in Aid of Execution – Prohibition

A body attachment is an archaic concept rooted in old English common law that has still been very much in use in Maryland, with significant potential impact on an individual's life and liberty. The practice is used to arrest and/or imprison people who fail to appear in court for failure to repay small debts of \$5,000 or less. The use of body attachments to collect civil debt is not only a question of constitutionality but also an outdated process that hurts people who have limited means with a significant disparate impact on people of color. This law does away with the practice.

SB 585—Public Safety – Warrants and Absconding

This new law requires the state to provide \$2,000,000 in grants to local law enforcement agencies to execute warrants each year for fiscal years 2024 through 2026.

SB 586—Criminal Procedure and Public Safety – Courts and Criminal Justice in Baltimore City

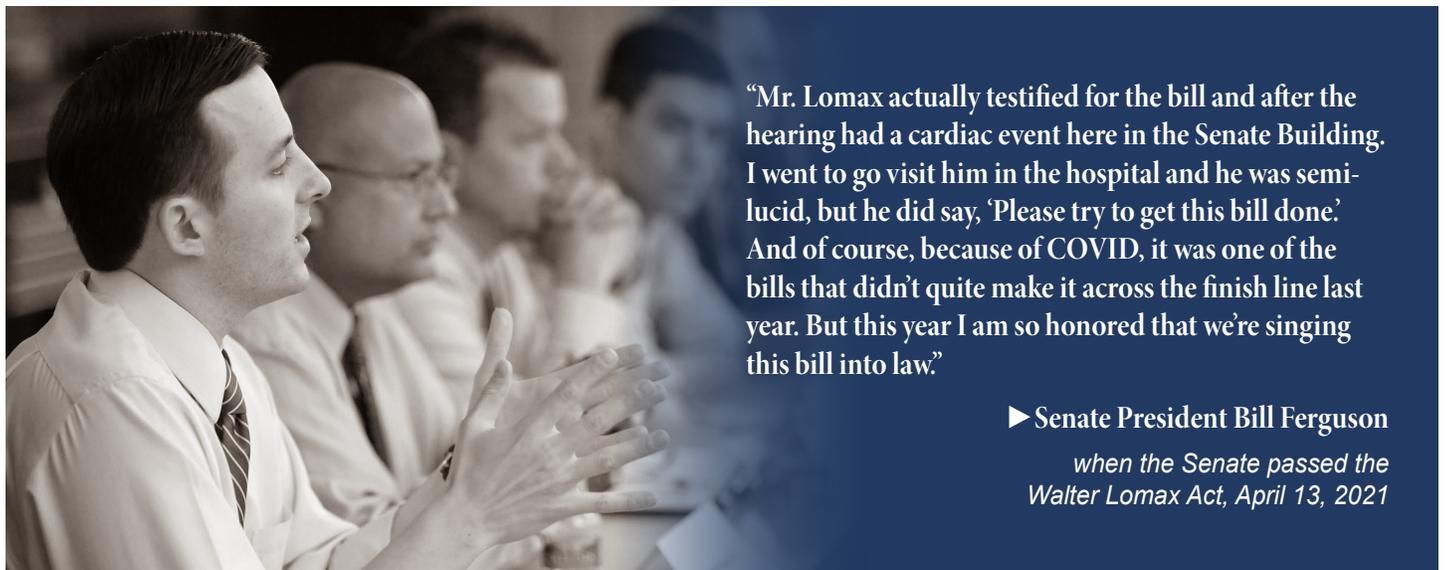
Under this new law, the Department of Public Safety and Correctional Services must notify the Baltimore Police Department, within 24 hours of a release, if a defendant is released prior to trial. The law also requires the Administrative Office of the Courts to develop, implement and administer the Jobs Court Pilot Program in the District Court in Baltimore City to reduce recidivism by offering defendants an opportunity to take part in full-time job training and job placement programs as a condition of probation.

SB 763—Public Safety and Criminal Justice – Transparency and Accountability

This increases reporting on and publishing and sharing of parole, probation, criminal sentencing data by state agencies.

SB 861—Crimes – Firearms and Inmates – Enforcement, Procedures and Reporting

Passage of this bill establishes the Maryland State Police Gun Center within the Department of State Police as a statewide firearms enforcement center for the tracking, screening and vetting of all firearm crimes committed in Maryland. Beginning in 2023, and annually thereafter, the governor must include funding for operation of the center in the state's budget. The law also alters provisions and penalties pertaining to several firearms-related offenses.



“Mr. Lomax actually testified for the bill and after the hearing had a cardiac event here in the Senate Building. I went to go visit him in the hospital and he was semi-lucid, but he did say, ‘Please try to get this bill done.’ And of course, because of COVID, it was one of the bills that didn’t quite make it across the finish line last year. But this year I am so honored that we’re singing this bill into law.”

► Senate President Bill Ferguson

*when the Senate passed the
Walter Lomax Act, April 13, 2021*



MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE