



Working to end sexual violence in Maryland

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2018 Legislative Priorities – Bills that Passed

The Maryland Coalition Against Sexual Assault (MCASA) supports legislation that promotes justice for survivors of sexual violence, accountability for offenders, and protection for the general public. The 2018 legislative session brought continued progress for survivors of sexual assault.

Thank you to everyone who made calls, sent emails, testified in Annapolis, and donated to MCASA to support our public policy efforts. You make a difference for survivors.

Here is the list of MCASA legislative priorities that passed (for all bills, visit mcasa.org):

MCASA 2018 – Bills that Passed by Subject Matter

Sexual Assault & Education

College Sexual Assault – Fair Process – SB607/HB913 -- PASSED

A bill codifying fair process in college sexual assault proceedings, preventing roll-back of protections for victims of sexual assault, and providing students with access to counsel in formal title IX cases. This bill also includes rape shield protections for students and provisions to protect students' mental health treatment histories. With this bill, Maryland helps lead the nation with state-level protections for fair process in college sexual assault proceedings. Lead Sponsors: Senator Joan Carter Conway and Delegate Aruna Miller.

Middle and High School Students - Education About Boundaries and Consent –

HB251/SB402 - PASSED Providing age-appropriate education to elementary and high school students about the importance of obtaining consent before touching someone else. Lead Sponsors: Delegate Ariana Kelly and Senator Craig Zucker.

Child Sexual Abuse – Training – HB1071 - PASSED

Several bills addressed the issue of training about child sexual abuse, or child abuse generally, for professionals who work with children. House Bill 1071 was amended substantially and passed. It will require annual training for school employees about child sexual abuse prevention, identification, and reporting. Lead Sponsors: Senator Bobby Zirkin and Senator Susan Lee, Delegate Susan McComas, Delegate CT Wilson.

Funding

Budget. Last session the General Assembly enacted dedicated funding for rape crisis centers and created new position in the Attorney General’s Office to staff the Committee on Sexual Assault Evidence Kit Policy and Funding. The increased funding was included in the Governor’s original budget and, after advocacy, the 3rd supplemental budget funding the new position for the Attorney General’s Committee. Also of interest, the General Assembly has asked GOCCP to report on barriers to distribution of VOCA funds, their contact with the Access to Justice office in the courts, and on how many victims of domestic violence are unrepresented in divorce and custody cases. The Women’s Caucus, Senator Nancy King, and Delegates Michael Jackson, and Mark Chang all kept their eyes on these important funding issues.

Indirect Costs – SB1045 - PASSED

Requiring that state grants pay for indirect costs when a grant is awarded. Current practices force non-profit agencies to subsidize government expenditures. Indirect costs such as rent for common areas like hallways and general administration are necessary to provide victim services. Lead Sponsor: Senator Cheryl Kagan.

Criminal Law and Investigations

Sextortion and Revenge Porn – SB769 - PASSED

Creating the crime of sextortion (causing sexual activity or creation of sexual images by threat) and updating Maryland’s revenge porn statute. This will provide prosecutors with a significant and helpful new tool to respond to sexual coercion. Lead Sponsor: Senator Bobby Zirkin.

Sexual Exploitation and Law Enforcement – HB1292 - PASSED

This bill will have sponsor amendments that will make it a crime for law enforcement officers to have sex with a person in their custody. Lead Sponsor: Delegate Brooke Lierman.

Pre- and Post-trial Stay Away Orders - Penalties for Violations – SB170/HB388 – PASSED

Currently, a defendant who violates an order to stay away from a victim pending trial or sentencing does not face criminal penalties unless the case involves sex crimes against a minor. This bill will expand criminal penalties to also include all crimes violence, and crimes against “persons eligible for relief” under the Protective Order statute. This bill had a “dream team” of leaders on women’s rights, Delegate Aruna Miller and Senator Susan Lee. Lead Sponsors: Senator Susan Lee and Delegate Aruna Miller.

Child Sexual Abuse – Crime of Violence – PASSED

A minor, but important, change was made to the definition of a “crime of violence” removing a requirement that sexual abuse of a child under 13 be under the clothing. This affects penalties for these offenders and will make it easier to terminate their parental rights. This was included in a larger crimes bill and Vice-Chair Kathleen Dumais led the effort to remove the very troubling “under the clothing” requirement from the law.

Evidence and Sexual Assault Cases

Past Bad Acts – HB301/SB270 -- PASSED

This bill expands admissibility of prior acts of sexual abuse or sexual assault in later sex crimes cases when the defense is consent and in cases involving minors where the defense is fabrication. This bill has been introduced on and off for decades. Special thanks to Scott Shellenberger, State’s Attorney for Baltimore County and John Cox, his Deputy State’s Attorney, for fighting for this bill for decades. Lead Sponsors: Delegate Vanessa Atterbeary, Senator Jim Brochin.

Sex Trafficking

Confidential Deeds – Human Trafficking & Domestic Violence – HB633/SB578 - PASSED

Permits shielding of real estate records for survivors of human trafficking and domestic violence. Lead Sponsors: Senator Susan Lee and Secretary of State.

Protective Orders and Family Law

Permanent Protective Orders – SB491/HB1303 - PASSED

Expanding the availability of permanent protective orders. Lead Sponsors: Delegate Vanessa Atterbury and Senator Delores Kelley

Protective Orders – Definition of Abuse – Revenge Porn – SB121/HB328 - PASSED

Adding the following to the definition of abuse providing the basis for a protective order: misuse of telephone facilities and equipment, misuse of electronic communication or interactive computer service, revenge porn, and visual surveillance. This passed in an amended form adding only revenge porn. Lead Sponsors: Senator Bobby Zirkin and Delegate Kathleen Dumais.

Rape Survivor Family Protection Act – HB1/SB2 – PASSED and ENACTED IMMEDIATELY

Current law gives rapists who cause a child to be conceived the same rights as other biological parents. Additionally, if a rapist-parent cannot be located, current law requires that the victim’s name be published in the newspaper. MCASA continues to support legislation to limit the parental rights of rapists when the child was conceived through rape and to increase protections for rape survivors who have a child conceived through rape. We stand firm in our commitment to enacting legislation with a clearing and convincing standard of evidence. This is the same standard used in other family law cases that result in the termination of parental rights. Lead Sponsors: Delegates Kathleen Dumais, Michael E Busch, and Nick Kipke; Senators Brian Feldman, Susan Lee, and Mike Miller.

Sexual Assault Forensic Evidence Kits (Rape Kits)

SAFE Kit Tracking – HB1124 - PASSED

This bill requires the Attorney General’s Committee on Sexual Assault Evidence Kit Policy & Funding to make recommendations regarding creating and operating a statewide sexual assault evidence collection kit tracking system that is accessible to victims and law enforcement. Lead Sponsor: Delegate Shelly Hettleman.

Rape Kit Reimbursement – Criminal Injuries Compensation – HB247/SB963 - PASSED

Moving reimbursement for Sexual Assault Evidence Kits to the Criminal Injuries Compensation funding to permit capture of federal funds. This bill also creates a Victim Services Unit under the Governor’s Office of Crime Control & Prevention to address restitution and other victim services. The Director of the Victim Services Unit is mandated to consult with MCASA regarding administration of rape kit reimbursements and other issues related to sexual assault. Lead Sponsor: Administration.

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Sexual Harassment

#MeTooMaryland – Disclosing Sexual Harassment in the Workplace Act of 2018 –

SB1010/HB1596 -- PASSED Prohibiting employers from requiring employees to waive substantive or procedural rights addressing sexual harassment and making such agreements void as against public policy unless prohibited by federal law. Requiring two surveys (in 2020 and 2022) of larger employers regarding the number of sexual harassment settlements, the number

that contain non-disclosure agreements, and the number that involved repeat offenders during the preceding 10 years. Lead Sponsors: Senator Craig Zucker and Delegate Kris Valderrama.

General Assembly – Discrimination and Sexual Harassment – HB1342/1138 - PASSED

Codifying procedures for responding to sexual harassment in the General Assembly and for specified state officials; requiring independent investigators unless a complainant objects; prohibiting lobbyists from engaging in sexual harassment and discrimination and creating protections for legislative staff, credentialed members of the press, and lobbyists; and prohibiting use of public funds for discrimination settlements filed against public officials in their personal capacity. Lead Sponsors: Delegate Ariana Kelly and Senator Joan Carter Conway.

Sexual Harassment and State Employees – HB1423 and HB1228 - PASSED

HB1423 requires education for state employees regarding sexual harassment. HB1228 creates reporting requirements regarding sexual harassment policies, prevention training, and complaints within the state workforce. Lead Sponsors: Delegate Shelly Hettleman and Delegate Ariana Kelly.

Other Subject Areas

Earned Safe & Sick Leave – Veto Overridden This bill would create a limited right for employees who are survivors of sexual assault, domestic violence, and stalking to take earned, paid time off to address issues related to the violence. It would create a similar limited right for paid sick time. This bill was vetoed by Governor Hogan in 2017 and the General Assembly overrode the veto this session. Lead Sponsors: Delegate Luke Clippinger and Senator Mac Middleton.

Inappropriate Sexual Behavior in Residential Treatment Centers – HB1130 – PASSED

Extending current laws regarding mandatory reporting of inappropriate sexual behavior to private residential treatment facilities. Thank you to our colleagues at Disability Rights Maryland for championing this bill. Lead Sponsor: Delegate Geraldine Valentino-Smith.

YOUR VOICE MATTERS

Interested in keeping up with the latest MCASA news and learning how you can help survivors? Sign up to join MCASA or get our emails at mcasa.org.

Speak Up, Speak Out

