



Working to end sexual violence in Maryland

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2022 Legislative Priorities and Other Bills of Interest – Final Report

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes all of the State’s seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence in the State of Maryland.

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. This session MCASA continued to advocate for the needs of sexual assault survivors and the programs that serve them. We provided testimony in person, via Zoom, communicated with policymakers in the halls of Annapolis, on screens, phones and via text, and worked with our allies to ensure the voices of survivors were heard. While there were some disappointments, we also continued to help make needed change to our laws and are grateful to everyone who worked to make this happen.

Funding is policy. Funding shows what the State cares about and who will be helped. MCASA is immensely grateful to the legislators who ensured that sexual assault survivors will continue to be helped, and that funding for services remained in place. Chair Guy Guzzone (an MCASA Visionary Award Recipient) led legislative efforts to prevent cuts to victim services funding and subcommittee chairs Senator Cory McCray and Delegates Tony Bridges, Ben Barnes and others all provided support and leadership. We are so grateful for the continued support for the needs of sexual assault survivors and the programs that serve them.

Maryland still has work to do. In the best of scenarios, a bill needs at least 6 votes to be enacted. It was especially heartbreaking to see at least 4 bills that would have helped sexual assault survivors fail with only one more vote to go. **Bills on repealing marriage as a defense to sex crimes, establishing a safe harbor against prosecution of minor victims of sex trafficking, improving the law against visual surveillance with prurient**

intent, and another on indecent exposure to a minor ALL failed in the Senate on *sine die* (the last day of session). We are hopeful that Chair Will Smith and Senate leadership will prioritize these important bills next session.

MCASA has amazing members and allies. In addition to the budget leaders mentioned above, the work of our legislators on MCASA priorities was impressive and inspiring to watch. On HB153/SB33 Delegates Charlotte Crutchfield, Emily Shetty, and Sandy Bartlett and Senators Susan Lee and Shelly Hettleman were a dream team of strong women advocates fighting for the basic principle that each of us should have the right to say “No” (or “Yes”) to sexual touching. Thank you to Chair Luke Clippinger for ensuring this bill moved through the House. The Attorney General’s Office and the Maryland State’s Attorney’s Association, as well as our allies at the Women’s Law Center of Maryland and the Network Against Domestic Violence, were strong partners in this effort and MCASA appreciates their collaboration. **We will stay strong and repeal the archaic law making marriage a defense to sex crimes and resist amendments creating “spousal defense lite”.**

Delegate Brooke Lierman and Senator Susan Lee championed the Safe Harbor bill, gracefully handling surprising amendments and fighting until the end. We will come back next year with a stronger bill and **will pass meaningful protections for children who are victims of sex trafficking.**

MCASA continues to **appreciate the partnership and collaboration of the Women’s Law Center of Maryland, the Maryland Network Against Domestic Violence, the Maryland Hospital Association,** and others. Special shout out the **Maryland State’s Attorneys’ Association** and the amazing team of special victim prosecutors and elected State’s Attorneys who know when to lead and when to follow, and who always listen – together we continue to help reform the criminal justice system to center the needs of survivors. MCASA is proud to be a member of the **Committee to Protect Maryland’s Children, the Maryland Human Trafficking Task Force, the Time to Care Coalition,** and the policy committee of the **Maryland Association of Non-Profit Organizations (MANO),** and we appreciate our colleagues on these important groups of allies. We remain grateful to the **Attorney General’s Office for Carrie Williams,** one of the smartest lawyers in Maryland. Her insights and analysis make our laws better.

Priorities, Bills of Interest, and Outcomes

Funding

Sexual Assault & Rape Crisis Center Funding

MCASA supports full funding of rape crisis center services and monitors the budget process and individual funding bills. We are tremendously grateful to our legislative allies and the Administration for their advocacy and attention to the needs of survivors during the budget process. We have good news to report:

- Continued funding for rape crisis centers as required by the statutory mandate;

- Supplemental funding of \$35 million to fill the gap in federal Victims of Crime Act (VOCA) funding.
- Current VOCA grantees will have continued funding. Depending on the federal VOCA allocation for Maryland, there may be additional funding for new grants or increased awards.
- GOCOPYVS will be required to approved 6 month no cost extensions for VOCA grantees unless contrary to federal law.
- Funding for legal services in landlord tenant cases (see below).
- Capital funding of \$1 million for Safe House for Youth Victims of Sexual Exploitation. The YWCA of Annapolis & Anne Arundel is building this facility and working in partnership with TurnAround to provide programming.
- \$3.5million in rape kit testing funding.

This is critical support for the core services that sexual assault survivors need.

Civil & Employment

Sexual Harassment – Definition – [SB450](#)/HB1393 – PASSED

This bill clarifies the definition of harassment and sexual harassment in employment discrimination cases to eliminate the requirement that conduct be severe or pervasive and to require that courts consider the totality of the circumstances when determining whether something is harassment. Lead Sponsor: Chair Will Smith and Delegate Pam Queen.

Employment Law – [SB451](#) – Tolling During Administrative Process – PASSED

This postpones (“tolls”) the statute of limitations for filing a case in court during the administrative process in unlawful employment practices cases. Lead Sponsor: Chair Will Smith.

Non-Discrimination in Schools – [SB666](#)/[HB850](#) – PASSED

This bill codifies anti-discrimination protections for all students, Pre-K-12 and also prohibits retaliation against a student, parent, or guardian who files a complaint of discrimination. Sexual assault and sexual harassment are types of discrimination based on sex. Lead sponsors: Senator Cory McCray and Delegate Jheanelle K. Wilkins

Time to Care – Paid Family & Medical Leave – [SB275](#)/HB8, [HB496](#) – PASSED and VETO OVERRIDDEN – ENACTED

Establishing the Family and Medical Leave Insurance Program beginning October 1, 2023. This will support survivors needing to take leave to care for themselves after a sexual assault, but also provide important economic support for all workers. Lead sponsors: Senator Antonio Hayes, Delegate Kris Valderrama, Chair C.T.Wilson.

SLAPP - Strategic Lawsuits Against Public Participation – HB70/SB315 – Passed House, No Vote in Senate Judicial Proceedings Committee

This bill clarifies and supports the exercise of constitutional rights to petition and exercise free speech by amending the law regarding SLAPP Suits – Strategic Lawsuits Against Public Participation. Sexual assault survivors across the country are increasingly facing lawsuits

brought to discourage exercising their rights in college sexual misconduct proceedings and some survivors encouraged to speak out about sexual violence by the #MeToo movement have also been met with lawsuits designed to silence them. While not all of these retaliatory suits will qualify as SLAPP suits, some would. Lead sponsors: Delegate Sandy Rosenberg and Senator Shelly Hettleman.

Health Care

Abortion Access – [HB937](#) – PASSED and VETO OVERRIDDEN – ENACTED

Expanding availability of abortion by permitting advanced practice health care practitioners to perform procedures, increasing training, codifying and strengthening support for women without insurance or financial means. Five percent of reproductive age women who are raped become pregnant as a result and it is critical that these survivors have access to reproductive care. It is equally critical that women are not required to disclose how they became pregnant in order to access care. Lead sponsors: Delegate Ariana Kelly and Chair Delores Kelley; Speaker Adrienne Jones (Constitutional Amendment to protect reproductive liberty, not passed).

Preventing HIV for Rape Survivors – Sunset – [HB245/SB331](#) – PASSED

A bill to lift the sunset provisions that would end the program to provide rape survivors with medication to prevent HIV (nPEP). Lead sponsors: Senator Nancy King and Delegate Kirill Reznick.

Prohibiting Pre-authorization for nPEP – [HB970/SB787](#) – PASSED

nPEP is a medication that helps prevent HIV infection if it is taken within 72 hours of exposure. This medication is vital for rape survivors, but also for others who may be exposed. This bill prohibits health insurance providers from requiring pre-authorization for this time-sensitive, health and life preserving medication. Lead sponsors: Delegate Arianna Kelly and Senator Brian Feldman.

Victims of Sexual Abuse – Provision of Services – Correction – [HB1323](#) – PASSED

Correcting a cross-reference relating to a requirement that a physician or hospital provide certain services to victims of sexual abuse without charge to the victim. Lead sponsor: Delegate Sandy Bartlett.

HIV Prevention Drugs and Pharmacists – SB355 – Did not pass

This bill would permit pharmacists to dispense nPrEP (pre-exposure prophylaxis) and nPEP (post-exposure prophylaxis), medications to prevent HIV. Increasing access to these medications is important for victims of sex trafficking and for victims of rape. This bill passed the Senate but did not move forward in the House after medical concerns were raised about one of the nPrEP medications and additional concerns were raised regarding pharmacy access. Work on this is expected during interim. Additionally, HB970 did pass, and that bill had some overlap with SB355. Lead sponsor: Senator Clarence Lam.

Abortion – Protecting Helpers from Legal Action – SB669/HB626 – Did not pass

MCASA supported this bill to respond to Texas SB8 and to protect rape crisis center staff and all people who help women obtain abortion access. The bill did not pass after drafting errors became evident. Lead sponsors: Delegate Nicole Williams and Chair Will Smith.

Abuse of Vulnerable Adult Registry – Workgroup – HB589/[SB357](#) – PASSED

Establishing a workgroup to examine the issue of creating a registry of people who have abused vulnerable adults, similar to Maryland’s child abuse registry. Lead sponsors: Senator Joanne Benson and Delegate Wanika Fisher.

Criminal Law and Procedure

Marriage Should Not Be a Defense to Sex Crimes – Love is No Defense Act – HB153/SB33 – Died on *Sine Dine*

Maryland allows marriage to be a defense to some sex crimes. It is past time to remove this archaic law from the books. We will stand strong and be back to fight for this important legal principle in 2023. Lead sponsors: Delegate Charlotte Crutchfield and Senator Susan Lee.

Repeal – Unnatural and Perverted Sexual Practices – SB22/HB209 – Passed House, No vote in Judicial Proceedings Committee

A bill repealing outdated provisions criminalizing consensual sexual activities between adults and regarding certain sex crimes involving animals. Other parts of the code address sexual abuse of animals and are no longer needed in this section. The remaining provisions have been historically used to harass gay men; these provisions are not only discriminatory, they are unconstitutional. Lead Sponsors: Senator Clarence Lam and Delegate David Moon.

Visual Surveillance with Prurient Intent – HB185/SB326 – Passed House, Passed Judicial Proceedings Committee, and Passed 2d Reader on Senate floor, Died without a final vote on *Sine Die*

A bill making it clear that the prohibition against visual surveillance with prurient intent applies in private residences and increasing the penalty for visual surveillance with prurient intent of a minor. Lead sponsors: Delegate Jesse Pippy and Senator Susan Lee.

Indecent Exposure with Prurient Intent – Within Sight of Minor – HB34 – Passed House, Passed Judicial Proceedings Committee, and Passed 2d Reader on Senate floor, Died without a final vote on *Sine Die*

A bill to increase the penalty for indecent exposure with prurient intent when the act is within sight of a minor. Indecent exposure is often a gateway crime for sex offenders. Lead sponsor: Delegate Brian Crosby.

Body Cameras and Victim Privacy – SB31 – No Vote in House Judiciary Committee

Body-worn digital recordings can include images of survivors following some of the most traumatic and difficult times in their lives and care should be taken to ensure the justice system does not add to the trauma by publically disclosing body camera footage. At the same

time, recordings can provide important information about how victims are treated. This bill balances these concerns and addresses a gap in the current public information act law. Lead Sponsor: Senator Charles Sydnor.

Stalking – Electronic Communication and Tracking – [HB148/SB328](#) – PASSED

A bill to improve Maryland’s stalking law by adding tracking with out consent (for instance via stalkerware on a phone) and other electronic communication to the criminal stalking statute. Modifying the stalking statute will also permit peace and protective orders to be issued based on this conduct. Lead sponsors: Delegate Sandy Bartlett and Vice Chair Jeff Waldstreicher.

Tender Years Exception to Hearsay Rule – [SB20/HB284](#) – PASSED

Expands the tender years exception to the hearsay rule to include alleged victims and witnesses of crimes of violence who are under 13 years old. This is a major expansion of this rule. Lead sponsors: Delegate Charlotte Crutchfield and Senator Susan Lee.

Merger – Violation of PO and Assault – [HB817](#) – PASSED

Clarifying that the charges of violating a protective order and assault do not merge and may be sentenced separately. Lead sponsor: Delegate Emily Shetty.

Spousal Privilege – Marriage After Crime – [HB210](#) – PASSED

Eliminating spousal privilege when the case involves a crime that happened prior to the marriage. Lead sponsor: Delegate Robin Grammer.

Spousal Privilege – Crime Against Spouse – HB1418 – Introduced late – No vote

Permitting, but not requiring, a victim-spouse to testify against another spouse in a case involving a crime against the spouse. Lead sponsor: Delegate Rachel Jones.

Crime Victim Rights – Continued Supervision & Defendants Incompetent to Stand Trial – HB822 – No vote

A bill permitting a victim to petition for continued supervision of a defendant found incompetent to stand trial. This bill was prompted by a court case involved a dangerous sex offender who was released from supervision. Lead sponsor: Delegate Nicole Williams.

Stalking – Stalking in Violation of a PO or Subsequent Offense – HB110/SB429 – Withdrawn

A bill to increase the penalty for stalking with the act was in violation of a protective order or the offender had committed stalking previously. Lead sponsors: Delegates Emily Shetty and Jesse Pippy and Senator Susan Lee.

Person in Position of Authority – HB223/SB49 – No Vote

A bill to help close the remaining loophole in Maryland’s laws regarding persons in authority who sexually exploit children they have authority over. Statutory rape provisions protect younger children, child sexual abuse laws protect children during the time a child is actually in an adult’s care or supervision, certain school employees are always prohibited from having sex with their students, and new laws on sextortion provide the ability to

prosecute those using threats of emotional distress to coerce sexual activity. However, the law still has gaps that fail to protect teenagers from sexual exploitation by extra-curricular activity instructors, scout masters, school volunteers, and other adults in authority. This bill closes these remaining gaps, so that all teens are protected. Lead sponsors: Delegate Sara Love and Senator Chris West.

Survivors Seeking Criminal Justice

Explanation of Decision Not to Prosecute – HB225/SB300 – Passed House, No vote in Judicial Proceedings Committee

Few sexual assault survivors seek help through the criminal justice system. When they do, State’s Attorneys Offices do not always prosecute. This bill requires that, at the request of the victim, the prosecutor provide an explanation of this decision.

Lead sponsors: Delegate Karen Lewis Young and Senator Michael Hough.

Extending the Statute of Limitations in Misdemeanor Sexual Assault Cases – Medical Providers and #MeToo – HB1402 – Introduced late – No vote

This bill would expand the time limit for filing criminal charges against a health care provider for 4th degree sexual offenses and would establish reporting requirements when others observe a health care provider committing a sexual assault. Lead sponsor: Delegate Rachel Jones.

Criminal Injuries Compensation – Increase in Payments to Victims – HB549 – No vote

A bill to increase payments to victims from the criminal injuries compensation fund. Lead sponsor: Delegate Mike McKay.

Sex Trafficking

Safe Harbor for Minor Victims of Sex Trafficking – HB833/SB768 – Died on *Sine Die*

Establishing “safe harbor” rules against criminal prosecution or juvenile proceedings against minors who are victims of sex trafficking and commit certain crimes.

Lead sponsors: Delegate Brooke Lierman and Senator Susan Lee.

Vacatur Law – Technical Changes – SB767 – No vote

A bill to make technical changes to the statute permitting vacatur of criminal charges for survivors of sex trafficking. MCASA supported the bill with amendments to strike the automatic closing of courtrooms. Lead sponsor: Senator Susan Lee.

Human Trafficking and Innkeepers – [HB270/SB91](#) – PASSED

Requiring innkeepers (hotels) to maintain guest records and to provide employees with human trafficking awareness training. Lead sponsors: Delegate Eric Ebersole and Senator Michael Jackson.

Human Trafficking Awareness Education – Grades 6-8 – Passed House, no vote in Education, Health & Environmental Matters Committee

A bill to require local school boards to implement human trafficking awareness education for students in grades 6-8. Lead sponsor: Delegate Steve Johnson.

Protective Orders and Family Law

Virtual Access to Temporary Protective Order Proceedings – [HB296/SB280](#) – PASSED

A bill permitting virtual proceedings for filing and hearing of temporary protective order petitions when the petitioner is at a sexual assault or domestic violence program, a child advocacy center, a vulnerable adult program, a human trafficking program, or in a hospital receiving medical treatment, or in any other location approved by the Court. Lead sponsors: Senator Shelly Hettleman and Delegate Charlotte Crutchfield.

Stalking – Electronic Communication and Tracking – [HB148/SB328](#) – PASSED

A bill to improve Maryland’s stalking law by adding tracking without consent (for instance via stalkerware on a phone) and other electronic communication to the criminal stalking statute. Modifying the stalking statute will also permit peace and protective orders to be issued based on this conduct. Lead sponsors: Delegate Sandy Bartlett and Vice Chair Jeff Waldstreicher.

Merger – Violation of PO and Assault – [HB817](#) – PASSED

Clarifying that the charges of violating a protective order and assault do not merge and may be sentenced separately. Lead sponsor: Delegate Emily Shetty.

Status Hearings – Protective Orders – [HB887](#) – No vote

Permitting petitioners to request a status hearing on a protective order to help enforce the order’s provisions and keep the survivor safe. Lead sponsor: Delegate Sandy Bartlett.

Training for Judges – Domestic Violence and Child Abuse, including Child Sexual Abuse – [SB17/](#)[HB561](#) – PASSED

Requiring training for judges regarding domestic violence and child abuse, including regarding child sexual abuse and investigations. Lead sponsors: Senator Chris West and Delegate Wanika Fisher.

Family Law – Modification of Provisions Regarding Abuse and Custody – [HB104/](#)[SB41](#) – Passed House, No vote in Judicial Proceedings Committee

A bill to enhance provisions requiring judges to limit visitation and custody in cases involving child abuse, including child sexual abuse. Lead sponsors: Chair Vanessa Atterbeary and Senator Susan Lee.

Marriage Age – [HB83/](#)[SB29](#) – PASSED

A bill raising the minimum age of marriage to 17 and requiring court review of petitions for minors to marriage. Minors must have parental consent or be expecting a child. Lead sponsors: Chair Vanessa Atterbeary and Senator Sarah Elfreth.

Child Custody – Custody Commission Recommendations – [HB849/](#)[SB1168](#) – No vote

A bill to enact recommendations of the custody commission codifying case law and clarifying the decision-making process in child custody cases. Lead sponsors: Delegate Susan McComas and Senator Chris West.

Timeline for Child Abuse Investigations – [HB1248/SB820](#) – PASSED

A bill to require documentation of the reasons why a child abuse investigation, including a child sexual abuse investigation, is not completed within mandatory timelines. Lead sponsors: Senator Clarence Lam and Delegate Geraldine Valentino-Smith.

Education and Schools

Non-Discrimination in Schools – [SB666/HB850](#) – PASSED

This bill codifies anti-discrimination protections for all students, Pre-K-12 and also prohibits retaliation against a student, parent, or guardian who files a complaint of discrimination. Sexual assault and sexual harassment are types of discrimination based on sex. Lead sponsors: Senator Cory McCray and Delegate Jheanelle K. Wilkins

Reportable Offenses – [HB146](#) – PASSED

This bill changes the process for reportable offenses, including sexual offenses. Reportable offenses are offenses committed by students and then reported to the student's school. HB146 alters the definition of covered offenses, requires a report, and requires notification of the student's attorney in certain cases. This bill is important to survivors of sexual violence and their ability to seek protection from offenders at school. Lead sponsors: Delegate David Moon and Chair Vanessa Atterbeary.

Sexting Education – [HB194](#) – No Vote in Senate Education, Health & Environmental Affairs Committee

A bill to require age appropriate education regarding the risks of sexting. This bill will build on last year's successful efforts to address the tension between the need to prosecute child pornography and the reality that teenagers engage in consensual sexting and are not sex offenders. Lead sponsors: Delegate Emily Shetty.

Hear Our Voices - Title IX Policies in Primary & Secondary Schools – [HB472/SB887](#) – Passed House, No Vote in Senate Education, Health & Environmental Affairs Committee

A bill to improve access to Title IX remedies for survivors of sexual assault in primary and secondary schools. This bill did not receive a vote in Committee. Lead sponsors: Delegate Jazz Lewis and Senator Susan Lee.

Landlord Tenant

Leases – Terminating Leases for Survivors – Expanded Access – [HB86/SB6](#) – PASSED and VETO OVERRIDDEN – ENACTED

Expands access to existing law permitting survivors of sexual assault and domestic violence to terminate leases in order to protect a victim of abuse (including survivors of sexual assault, child sexual abuse, and stalking) and allows a new list of third parties to certify that the abuse occurred, including certification by advocates at rape crisis and domestic violence programs. Lead sponsors: Delegate Vaughn Stewart and Senator Jeff Waldstreicher.

Legal Services Funding – Landlord Tenant Cases

[SB662/HB724](#), [SB279/HB571](#) – PASSED

These bills add funding for legal services for landlord tenant cases this year and in the future. The increase in legal services funding will help not only tenants who are survivors, but increase resources for legal services generally. Lead sponsors: Senator Shelly Hettleman, Senator Craig Zucker, Delegate Ben Barnes, and Delegate Sandy Rosenberg.

Government Administration

Executive Director – GOCPYVS – Senate Confirmation – SB819/HB451 – Passed, VETOED BY GOVERNOR

A bill requiring that the appointment of the Executive Director of the Governor’s Office of Crime Prevention, Youth & Victim Services (GOCPYVS) be confirmed by Senate. This was recommended by an [evaluation](#) of the agency by the DLS Office of Program Evaluation and Government Accountability. Lead sponsors: Senator Shelly Hettleman and Delegate Geraldine Valentino-Smith.

Prompt Payment for Grant Recipients – SB542/HB451 – Passed Senate, no vote in Health & Government Operations

This bill would have required government to pay grant recipients within 30 days of a properly submitted request, making the grant payment rules the same as those for procurement contracts. The bi-partisan bill failed, in part, to allow time for a study under HB325/SB250 and implementation of the Comptroller’s new payment system. Lead sponsors: Senator Cheryl Kagan and Delegate Dana Stein.

Oversight of Grant Administration – GOCPYVS – Budget – Adopted

The General Assembly adopted extensive reporting requirements for GOCPYVS regarding grants administration and Victim of Crime Act funds in particular. A previously required independent audit is also expected this year.

Join MCASA to support our legislative advocacy and learn more about how you can help end sexual violence in Maryland
Visit mcasa.org and sign up for Legislative E-lets



Our doors are closed, but our programs are open
Rape Crisis Centers can helping during the COVID 19 crisis