



## Legislatively Speaking...

By: Kathy Morris, Historian  
October 2021 Edition

**The Maryland General Assembly has not yet provided the dates or process for the 2022 Session. In some ways the Hearings held electronically were much easier and saved time. However the witness testimony was very limited (only 6 total) and the sign up times were also restrictive and different for each committee. Stay tuned.**

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**Bills from 2021 Session that became law on October 1, 2021:**

**[HB4](#)**: Requires people to complete sales, rentals or transfers of rifles and shotguns through a licensed dealer. The dealer must also conduct background checks through the FBI's National Instant Criminal Background Check Systems.

**“Gay-Trans Panic Defense”**: The discovery or perception of someone's race, ethnicity, sex, gender identity or sexual orientation can no longer be used as a legal defense to downgrade a killing from a murder to manslaughter charge in court. It also is not a defense for assault. [Go here to see the law.](#)

**Court Record Expungement**: Police and court records on criminal or civil offenses will be automatically expunged after three years if the charge resulted in an acquittal or a dismissal, or if prosecutors opted not to pursue charges. There's an exception if drug or alcohol treatment was required. The courts must also notify each defendant eligible for expungement. [Go here to see the law.](#)

**Publication of a Name Change**: People who change their names can request that a court waive a rule requiring the publication of a name change notice in a local newspaper. The law is intended to help protect the privacy of transgender people who legally change their names, as well as domestic violence survivors, [Go here to see the law.](#)

**SB 35**  
**Chapter 57**

**Senator Feldman**  
**PROCUREMENT – PREVAILING WAGE – APPLICABILITY**  
Altering a certain limitation on the applicability of the Prevailing Wage Law to the construction of a public work for which 25%, rather than 50%, or more of the money used for construction is State money; altering the applicability of the Prevailing Wage Law to public work contracts by reducing the contract



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threshold amount from \$500,000 to \$250,000; applying the Act only to a public work contract executed on or after October 1, 2021; etc.

### **HB 37 Chapter 58**

**Delegate Valderrama**  
**PROCUREMENT – PREVAILING WAGE – APPLICABILITY**  
Altering a certain limitation on the applicability of the Prevailing Wage Law to the construction of any public work for which 25%, rather than 50%, or more of the money used for construction is State money; altering the applicability of the Prevailing Wage Law to public work contracts by reducing the contract threshold amount from \$500,000 to \$250,000; and applying the Act only to a public work contract executed on or after October 1, 2021.



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### **SB 178 Chapter 62**

#### **Senator Carter**

#### **MARYLAND POLICE ACCOUNTABILITY ACT OF 2021 – SEARCH WARRANTS AND INSPECTION OF RECORDS RELATING TO POLICE MISCONDUCT (ANTON’S LAW)**

Requiring that an application for a certain no-knock search warrant be approved in writing by a police supervisor and the State’s Attorney; requiring a certain no-knock search warrant to be executed between 8:00 a.m. and 7:00 p.m., absent exigent circumstances; requiring a certain custodian to allow inspection of certain records by certain persons; providing that a record relating to an administrative or criminal investigation of misconduct by a police officer is not a personnel record for certain purposes; etc.

### **HB 9 Chapter 84**

#### **Delegate Shetty**

#### **FAMILY LAW – MANDATORY REPORTER TRAINING**

Requiring the Department of Human Services to post on its website a free online course on the identification, prevention, and reporting of child abuse.

### **SB 181 Chapter 106**

#### **Chair, Judicial Proceedings Committee (By Request – Departmental – Assessments and Taxation)**

#### **CORPORATIONS AND ASSOCIATIONS – TRADE NAME CERTIFICATES – REQUIREMENTS** Requiring

that a certain certificate filed with the State Department of Assessments and Taxation disclose an identification number assigned by the



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Department for the business associated with the certificate.

[SB689](#): Establishes a mentoring program within large and established minority businesses for startup and small minority businesses. It studies a one-on-one assistance program for minority businesses to submit bids and proposals for procurement contracts.

[HB804](#): Establishes a whistleblower reward program within the Office of the Comptroller.

[HB290](#): Extends the time to file employment discrimination complaints with the Commission on Civil Rights from six months to 300 days.

[HB581](#): Requires essential employers during a declared state of emergency to provide essential employees safe working conditions, including available safety equipment and free disease testing, a right to refuse to perform an assigned task; to provide federal or state-funded public health emergency leave and to report test results to the state Department of Health.

[SB473](#): Requires employers with 15 or more employees to allow workers to use any earned pay leave for bereavement leave for an immediate family member.

**Sexting:** Juveniles who engage in consensual sexting with someone who also is under 18 will be sent to an age-appropriate educational program rather than a detention center. They will no longer be placed on a sex offender registry, as long as the consenting young people's ages are within four years of each other and the juveniles were not coerced, threatened or intimidated into sexting. [Go here to see the law.](#)

**Police Accountability:** A new law limits the use of no-knock warrants, only allows police officers to serve them between 8 a.m. and 7 p.m. and makes investigations of misconduct against officers public record. The law was inspired in part by the 2018 death of Anton Black, who died of sudden cardiac arrest while in police custody. [Go here to see the law.](#)

**Balloon Releases:** It's now illegal for anyone age 13 or older to release a balloon or to organize or participate in a mass balloon release, as people sometimes do at memorial services. The law is intended to prevent environmental harm. Anyone who violates the law may be subject to a \$100



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fine, six hours of community service or be required to watch “an educational video on environmental damage caused by human pollution.” It’s still legal to fly a hot air balloon or to accidentally let go of a balloon. [Go here to see the law.](#)

**Indecent Exposure:** Public masturbation when someone’s genitals are not exposed is an indecent exposure offense as of Oct. 1. It’s a misdemeanor punishable with up to three years in prison and/or a \$1,000 fine. [Go here to see the law.](#)

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On June 8, 2021, MISA was contacted by a lobbying firm located in Washington, DC to notify us about a Prince Georges County Council Bill CB-30-2021 - Displaced Service Workers Protection. Basically this bill would have created a union and that is a violation of federal law. MISA representatives – Barry Leese, President, Jay McCabe, CES Security and Kathy Morris, Legislative Co-Chair – responded with letters, emails and telephone calls. On June 10, 2021, the bill was tabled. MISA learned the bill was initiated by the SEIU who apparently was trying to circumvent federal laws.

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### MISA Legislative Report 2/2021

#### 2021 LEGISLATIVE SESSION

442nd session of General Assembly  
has convened in Annapolis, Maryland, on  
January 13, 2021 and will be in session through April 12, 2021.

Year	Session	Introduced	Completed	Legislation	Search	Dataset
2021	Regular Session	1698	0	<a href="#">Browse</a>	<a href="#">Search</a>	<a href="#">Download</a>

<https://mgaleg.maryland.gov/mgawebsite/>

Bills MISA monitored:

Bill	Summary	Text
<a href="#">HB175</a>	Requiring an ammunition vendor to confirm identification and conduct a background check on a purchaser or transferee of ammunition before the sale or transfer of ammunition; prohibiting an ammunition vendor from completing the purchase or the transfe...	<a href="#">Bill Text</a>
<a href="#">SB245</a>	Prohibiting a school resource officer from entering a school building except if summoned by a school	<a href="#">Bill Text</a>



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Bill	Summary	Text
<a href="#">HB151</a>	<p>administrator or official to respond to an emergency involving violence or the threat of violence, to participate in certain training, or to use cert...</p> <p>Repealing the Law Enforcement Officers' Bill of Rights; providing for the prospective application of the Act; and requiring the publishers of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legisl...</p>	<a href="#">Bill Text</a>
<a href="#">HB581</a>	<p>Requiring an essential employer to give a written statement regarding certain hazard pay paid to certain essential workers for each pay period; requiring an essential employer to take certain actions related to occupational safety and health during a...</p>	<a href="#">Bill Text</a>
<a href="#">HB39</a>	<p>Requiring a court to waive a certain publication requirement in an action for change of name under the Maryland Rules on motion by an individual who has filed the action.</p>	<a href="#">Bill Text</a>
<a href="#">HB139</a>	<p>Authorizing a person to seek certain relief for use of force by a law enforcement officer that is inconsistent with a certain provision of the Act by filing a civil action with a certain court; providing that a certain person is not precluded from pu...</p>	<a href="#">Bill Text</a>
<a href="#">SB309</a>	<p>Authorizing a person to apply for preliminary approval of a permit to wear, carry, or transport a handgun without completing a certified firearms training course; requiring the Secretary of State Police to investigate an application for a handgun per...</p>	<a href="#">Bill Text</a>
<a href="#">HB175</a>	<p>Requiring an ammunition vendor to confirm identification and conduct a background check on a purchaser or transferee of ammunition before the sale or transfer of ammunition; prohibiting an ammunition vendor from completing the purchase or the transfe...</p>	<a href="#">Bill Text</a>
<a href="#">SB42</a>	<p>Prohibiting a law enforcement agency from employing an individual as a police officer unless the individual has undergone and achieved a satisfactory result on a certain psychological screening; requiring that a police officer who has been convicted ...</p>	<a href="#">Bill Text</a>

[MD](#)

[SB15](#)

Intro

Requiring the Secretary of

2020-12-28



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Bill		Summary	Text
<a href="#">MD</a>	<a href="#">HB238</a>	<p>State Police to provide a certain notice of the impending expiration of a certain handgun permit and certain renewal instructions to a holder of a certain handgun permit at least 60 days before the expiration of the permit;...  <a href="#">[Detail]</a><a href="#">[Text]</a><a href="#">[Discuss]</a></p> <p>Providing that a person who, on or after October 1, 2021, has been charged with the commission of a certain crime, has been charged with a certain civil offense or infraction, or is the subject of a certain warrant, is entitled to automatic expungeme...  <a href="#">[Detail]</a><a href="#">[Text]</a><a href="#">[Discuss]</a></p>	<p><a href="#">To Senate Judicial Proceedings Committee</a></p> <p>2021-01-31 [Hearing: Feb 23 @ 1:30 pm] <a href="#">To House Judiciary Committee</a></p>
<a href="#">MD</a>	<a href="#">HB720</a>	<p>Reclassifying, as a misdemeanor instead of a felony, a certain offense relating to the prohibition against intercepting and disclosing certain communications; altering certain penalties relating to the prohibition against intercepting and disclosing ...  <a href="#">[Detail]</a><a href="#">[Text]</a><a href="#">[Discuss]</a></p>	<p>2021-01-26 [Hearing: Feb 16 @ 1:30 pm] <a href="#">To House Judiciary Committee</a></p>
<a href="#">MD</a>	<a href="#">SB114</a>	<p>Authorizing a person to file a certain petition for expungement if the person is convicted of a certain misdemeanor involving driving while the person's license or privilege to drive is canceled, suspended, refused, or revoked.</p>	<p>2020-12-28 <a href="#">To Senate Judicial Proceedings Committee</a></p>



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Bill	Summary	Text
<a href="#">MD</a> <a href="#">SB702</a> Intro	<p><a href="#">[Detail]</a><a href="#">[Text]</a><a href="#">[Discuss]</a></p> <p>Providing that a person is not entitled to expungement of certain records if the court ordered the person to register as a certain sex offender in connection with the disposition of a certain charge or the person has not satisfied an obligation to pa...</p> <p>2021-02-04 [Hearing: Feb 23 @ 1:00 pm] <a href="#">To Senate Judicial Proceedings Committee</a></p>	
<a href="#">MD</a> <a href="#">SB617</a> Intro	<p><a href="#">[Detail]</a><a href="#">[Text]</a><a href="#">[Discuss]</a></p> <p>Providing that a person is not entitled to expungement of certain records if the court ordered the person to register as a certain sex offender in connection with the disposition of a certain charge or the person has not satisfied an obligation to pa...</p> <p>2021-02-01 [Hearing: Feb 18 @ 11:00 am] <a href="#">To Senate Judicial Proceedings Committee</a></p>	
<a href="#">MD</a> <a href="#">HB754</a> Intro	<p>Providing that a person is not entitled to expungement of certain records if the court ordered the person to register as a certain sex offender in connection with the disposition of the charge on which the petition is based or the person has not sati...</p> <p>2021-01-31 [Hearing: Feb 23 @ 1:30 pm] <a href="#">To House Judiciary Committee</a></p> <p><a href="#">[Detail]</a><a href="#">[Text]</a><a href="#">[Discuss]</a></p>	
<a href="#">MD</a> <a href="#">HB773</a> Intro	<p>Defining "firearm telematics" as an electronic sensor or equipment installed on a firearm for purposes of tracking the location of the firearm if it becomes lost</p> <p>2021-01-29 <a href="#">To House Judiciary Committee</a></p>	





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- or stolen; requiring the Handgun Roster Board under the Department of State Police to st...  
[\[Detail\]](#)[\[Text\]](#)[\[Discuss\]](#)
- [MD HB305](#) Intro Establishing the Task Force on Missing Persons to study best practices for conducting searches for missing persons and review the options for the establishment of a State Coordinator for Missing Persons to serve as a point of contact for the families... 2020-12-23  
[\[Detail\]](#)[\[Text\]](#)[\[Discuss\]](#)  
[To House Judiciary Committee](#)
- [MD SB178](#) Intro Establishing that a record relating to an administrative or criminal investigation of misconduct by a law enforcement officer is not a personnel record for purposes of certain provisions of the Public Information Act; authorizing a custodian to deny ... 2020-12-28  
[\[Detail\]](#)[\[Text\]](#)[\[Discuss\]](#)  
[To Senate Judicial Proceedings Committee](#)
- [MD HB120](#) Intro Establishing that a record relating to an administrative or criminal investigation of misconduct by a law enforcement officer is not a personnel record for purposes of certain provisions of the Public Information Act; authorizing a custodian to deny ... 2021-01-19  
[Hearing: Feb 9 @ 1:30 pm]  
[To House Judiciary Committee](#)  
[\[Detail\]](#)[\[Text\]](#)[\[Discuss\]](#)
- [MD SB690](#) Intro Requiring a custodian of records to deny inspection of the part of a recording from a certain body-worn digital recording device worn by a law enforcement officer regarding certain individuals; requiring certain notification of certain individuals; r... 2021-02-04  
[Hearing: Feb 25 @ 11:00 am]  
[To Senate Judicial Proceedings Committee](#)  
[\[Detail\]](#)[\[Text\]](#)[\[Discuss\]](#)
- [MD SB179](#) Intro Authorizing certain agencies to place distracted driver monitoring systems on certain highways under certain circumstances; requiring that a recorded 2020-12-28  
[To Senate Judicial Proceedings Committee](#)



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- [MD SB408](#) Intro  
image made by a distracted driver monitoring system include two or more photographs, microphotograph...  
[\[Detail\]](#)[\[Text\]](#)[\[Discuss\]](#)  
Prohibiting a person from knowingly obscuring a registration plate for the purpose of evading automated enforcement of the Maryland Vehicle Law; providing a \$500 fine for a violation of this section of the Act; increasing the assessments for certain ...  
[\[Detail\]](#)[\[Text\]](#)[\[Discuss\]](#)  
2021-01-18  
[Hearing: Feb 10 @ 1:00 pm]  
[To Senate Judicial Proceedings Committee](#)
- [MD HB509](#) Intro  
Altering the intent of the General Assembly regarding classification of certain 9-1-1 specialists as first responders; and defining the term "first responder" as an employee of a State or local public safety agency that provides emergency response se...  
[\[Detail\]](#)[\[Text\]](#)[\[Discuss\]](#)  
2021-01-22  
[Hearing: Feb 17 @ 1:30 pm]  
[To House Health and Government Operations Committee](#)
- [MD HB672](#) Intro  
Requiring the Department of Juvenile Services, in coordination with the Administrative Office of the Courts, to develop, maintain, regularly update, and publish a searchable database of all offenses involving juveniles on its website; prohibiting the...  
[\[Detail\]](#)[\[Text\]](#)[\[Discuss\]](#)  
2021-01-26  
[Hearing: Feb 11 @ 1:30 pm]  
[To House Judiciary Committee](#)
- [MD SB27](#) Intro  
Clarifying that personal protection or self-defense can qualify as a good and substantial reason to carry, wear, or transport a handgun for purposes of the issuance by the Secretary of State Police of a permit to carry, wear, or transport a handgun.  
[\[Detail\]](#)[\[Text\]](#)[\[Discuss\]](#)  
2020-12-28  
[To Senate Judicial Proceedings Committee](#)
- [MD HB845](#) Intro  
Clarifying that personal protection or self-defense can qualify as a good and substantial reason to carry, wear, or transport a handgun for purposes of the  
[\[Detail\]](#)[\[Text\]](#)[\[Discuss\]](#)  
2021-01-29  
[To House Judiciary Committee](#)



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issuance by the Secretary of State Police of a permit to carry, wear, or transport a handgun.

[\[Detail\]](#)[\[Text\]](#)[\[Discuss\]](#)

[MD HB538](#) Intro

Requiring the Secretary of State Police to issue a certain permit to carry, wear, or transport a handgun to a person who meets certain requirements and is employed in a certain profession.

[\[Detail\]](#)[\[Text\]](#)[\[Discuss\]](#)

2021-01-31

[Hearing: Feb 10 @ 1:30 pm]

[To House Judiciary Committee](#)

[MD HB441](#) Intro

Requiring the Department of Assessments and Taxation to convene a task force to study and make recommendations on the adoption of a unique Maryland Identification Number for each registered or licensed business in the State to be used by certain Stat...

[\[Detail\]](#)[\[Text\]](#)[\[Discuss\]](#)

2021-01-21

[To House Ways and Means Committee](#)

[MD HB701](#) Intro

Requiring the Maryland Department of Health to provide certain boards that are authorized to take actions against persons who knowingly fail to report suspected child abuse with a list of courses relating to the obligation to report child abuse and ...

[\[Detail\]](#)[\[Text\]](#)[\[Discuss\]](#)

2021-01-26

[Hearing: Feb 11 @ 1:30 pm]

[To House Judiciary Committee](#)

[MD SB201](#) Intro

Altering, from 3 years to 18 months, the amount of time that a person must wait before seeking expungement of certain records under certain circumstances.

[\[Detail\]](#)[\[Text\]](#)[\[Discuss\]](#)

2020-12-28

[Hearing: Feb 4 @ 11:00 am]

[To Senate Judicial Proceedings Committee](#)

[MD HB638](#) Intro

Altering a certain definition of regulated firearm to include a certain unfinished frame or receiver; authorizing a person to continue to possess a certain firearm or unfinished frame or receiver on or after January 1, 2022, if the firearm or unfinis...

[\[Detail\]](#)[\[Text\]](#)[\[Discuss\]](#)

2021-01-22

[To House Judiciary Committee](#)

[MD SB624](#) Intro

Altering a certain definition 2021-02-01



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of regulated firearm to include a certain unfinished frame or receiver; authorizing a person to continue to possess a certain firearm or unfinished frame or receiver on or after January 1, 2022, if the firearm or unfinis...  
[Hearing: Feb 17 @ 1:00 pm]  
[To Senate Judicial Proceedings Committee](#)  
[\[Detail\]](#)[\[Text\]](#)[\[Discuss\]](#)

[MD HB304](#) Intro Providing that an official of State or local government is immune from criminal and civil liability for refusing to provide information to the federal government or another state for a certain purpose; authorizing the State to indemnify a certain off...  
2021-01-26  
[Hearing: Mar 3 @ 1:30 pm]  
[To House Judiciary Committee](#)  
[\[Detail\]](#)[\[Text\]](#)[\[Discuss\]](#)