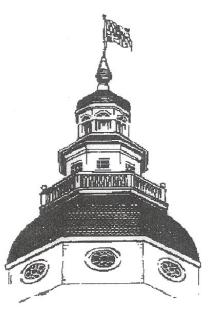
Maryland Legislative Agenda for Women 2014



FOR MORE INFORMATION ON THE 2014 MARYLAND LEGISLATIVE AGENDA FOR WOMEN CONTACT:

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Overview

The Maryland Legislative Agenda for Women (MLAW) is a statewide coalition of women's groups and individuals formed to provide a non-partisan, independent voice for Maryland women and families. The coalition advocates for progressive legislation and policies that promote and protect the well-being of Maryland women and their families and provide them opportunities to develop their full potential.

This initiative is a response to the Maryland Commission for Women's decision in August of 2004 to absorb the Legislative Agenda for Maryland Women (LAMW) into its Legislative and Public Policy Committee. For twelve years, the Legislative Agenda for Maryland Women, a statewide coalition effort, supported successful passage of dozens of bills that have improved the quality of life for Maryland's women and families. Many leaders of the new initiative served on the LAMW steering committee.

Our Vision

Maryland women and their families have a right, by law, to an adequate and sustainable quality of life and an opportunity to develop their full potential.

Guiding Principles

- An adequate standard of living regardless of ability to work or achieve financial independence
- Personal safety at home, school and the workplace
- Freedom from discrimination in Maryland's economic, educational, judicial, political, and social system
- Equal access to quality health care and reproductive services
- Safe and affordable child and dependent care
- A quality, public education
- Equitable and responsible implementation and enforcement of rights and protections provided by existing law
- Elimination of discriminatory policies and practices based on age, ethnicity, gender, physical abilities and attributes, race, and sexual orientation
- Family-friendly employment practices

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AAUW, Kensington-Rockville Branch
AAUW, Montgomery County, Silver Spring Branch
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The names of individuals and organizational supporters that may only support some components of the agenda that pertain to their mission and work.

Karalyn Mulligan

2014 Maryland Legislative Agenda for Women

Agenda Process and Selection

In October, MLAW hosted its Fall Agenda Conference. Advocacy and women's groups were invited to present legislative initiatives for consideration. The criteria for initiatives to be presented at the Conference were:

- Must address a women's issue
- Must be able to be addressed through the legislative process
- Must have an identifiable, sustainable lead group that agrees to shepherd the legislation
- Must have a sponsor
- Must have a reasonable expectation of success

Following a successful conference, the Board of Directors met to review the legislation and ensure that it met the criteria. Bills that met the criteria were placed on a ballot, which was distributed to the MLAW membership. Members were asked to vote for the initiatives that would comprise the **2014 Maryland Legislative Agenda for Women**.

2014 Maryland Legislative Agenda for Women

Issues and Initiatives

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Maryland Earned Sick and Safe Leave Act

Bill Number: HB527

Synopsis: This legislation would enable workers to earn a limited number of annual paid sick and safe days from their employer.

Committees: Senate Finance & House Economic Matters

Lead Sponsor: Senator Catherine Pugh, 410-841-3656

Delegate John Olszewski, 410-841-3458

Lead Group: Job Opportunities Task Force / Working Matters Coalition

Melissa Broome, Senior Policy Advocate

(410) 234-8046, (410) 236-6079 cell, melissa@jotf.org

Background:

Everyone gets sick and everyone deserves time to recover without risking their economic stability, yet 41% of American workers are unable to earn paid sick days. Here in Maryland, more than 700,000 of our neighbors are forced to make impossible choices: Go to work sick, send an ill child to school or daycare, or stay home and sacrifice much-needed income or, worse, risk job loss. Among low-wage workers, the people who can least afford to take unpaid time off from work when sick, 80% lack access to paid sick days.

This issue has an especially severe impact on women. Working women are more likely to have significant caregiving responsibilities – including caring for elderly parents, children or ill spouses/partners – yet women-dominated industries are among the least likely to offer paid sick days. Without this basic workplace benefit, women are often left with no choice but to forego pay in order to meet their families' health care needs.

Our laws need to be updated to reflect the reality of today's families. Nearly two-thirds of mothers work outside the home, and women's earnings make up a substantial share of family income. Half of working mothers miss work when their child gets sick. Of these mothers, half do not get paid when they take this time off. Among low-income working mothers, two in three report losing pay. Working women need a basic workplace standard of paid sick days so they don't have to choose between keeping their job and caring for a sick child or family member.

The proposed legislation, which was introduced for the first time in 2013, requires Maryland employers to allow workers to earn a certain number of annual paid sick and safe days. Employees would begin accruing hours from the start of employment but would not be allowed to use their paid sick time until the completion of a probationary period. The "safe time" component of the legislation requires employers to allow women who have been victims of domestic abuse or sexual assault to use their accrued paid sick leave to care for their health after these incidents or to seek legal protections or new housing.

Parental Leave for Birth or Adoption of a Child

Bill Number: TBD

Synopsis: Provide 6 weeks of job-protected leave to employees of companies with 15-49

employees.

Committee: House Economic Matters

Lead Sponsor: Delegate Ariana Kelly, 301-858-3642

Lead Group: Montgomery County Commission for Women

240-777-8300

Background:

Currently the federal Family and Medical Leave Act (FMLA) provides 12 weeks of unpaid job protected leave to companies with 50 or more employees. Employees who work for a company with fewer than 50 employees are not protected – at all – by FMLA.

This bill is providing specified employees a total of six workweeks of parental leave in a 12-month period under specified circumstances; providing that the parental leave granted by an employer may be unpaid; providing that paid leave may be substituted for any part of the six workweeks of leave under specified circumstances; authorizing an employer to require an employee to provide written notice of the employee's intention to take parental leave under specified circumstances.

Correctional Services—Healthy Births for Incarcerated Women Act

Bill Number: HB27

Synopsis:

Requiring that the medical professional responsible for the care of an inmate determine when the inmate's health allows the inmate to be returned to a correctional facility after giving birth; providing that it is the policy of the State that restraint of pregnant inmates during labor and delivery should not be used unless determined necessary by an attending medical professional or specified others; requiring the security officer of a correctional facility to make and maintain specified written findings; etc.

Committee: House Judiciary and Senate Judicial Proceedings

Lead Sponsor: Delegate Mary Washington, 410-841-3476

Senator Jamie Raskin, 301-858-3634

Lead Group: ACLU

Sara Love, 703-963-2710

Background:

Pregnant prisoners are currently shackled during transport, labor, and delivery of their children, in some cases with restraints that cover the midsection. This provides an inhumane environment in which to give birth and endangers the health of the parent.

This bill would require that medical professionals determine the standard of care for pregnant inmates and would prohibit restraints from being used on an inmate during certain trimesters of their pregnancy with exceptions for the safety of the correctional officers.

Family Law - Domestic Violence - Permanent Final Protective Orders

Bill Number: SB334/HB309

Synopsis: This bill makes it easier for victims of domestic violence to obtain permanent final protective orders. Current law enables victims of domestic violence to obtain a permanent final protective order in two limited circumstances – the respondent must have been convicted of certain enumerated crimes that led to the issuance of the original protective order and the respondent must have *served* a term of imprisonment of at least five years. This bill changes the eligibility requirements for a permanent final protective order in two ways. First, the bill adds the crime of *second degree assault* to the list of enumerated crimes, a significant change because many perpetrators of domestic violence are convicted of second degree assault. Second, the bill does not require the convicted defendant of the enumerated crimes to actually serve a term of imprisonment of five years, only to be *sentenced* to a term of five years. This bill was previously introduced in 2013 as HB 853 and cross-filed in the Senate as SB 417

Committees: House Judiciary and Senate Judicial Proceedings

Lead Sponsors: Delegate Kathleen Dumais, 410-841-3052

Senators Jennie Forehand 410-841-3034 and Brian Frosh 410-841-3124

Lead Group: Maryland Network Against Domestic Violence

Cynthia Lifson: 410-531-1619; Michaele Cohen: 301-429-3601

Background:

According to the Maryland State Police's Uniform Crime Report, in 2012 there were 17,615 domestic violence crimes reported, of which 16,269 were classified as domestic violence assaults; 2,881 of the domestic violence assaults were reported as "aggravated." Additionally, in fiscal year 2012, the Circuit Courts of Maryland granted a total of 1,412 final protective orders and in fiscal year 2012, the District Court granted 7,015 final protective orders. Because procedures for handling domestic violence crimes and for collecting information about domestic violence crimes vary between law enforcement agencies and counties, there may not be a complete picture of all domestic violence crimes in our state. Nevertheless, it is striking to observe that according to information provided by the Administrative Office of the Courts, since the current permanent protective order statute became effective on October 1, 2008 through September 1, 2012, a period of nearly four years, there have been only 21 petitions for permanent protective orders. Of these 21 petitions filed, only 5 were granted. Of the remainder, 7 were dismissed, 7 were denied, and 2 were rescinded.

Many people who experience domestic violence find a final protective order suffices to allow them to move forward and rebuild their lives. However, there are cases where the abuse is so extreme that it causes the victim to be legitimately fearful for her life and well-being and that a final permanent protective order is warranted. This principle is already part of our current law and we have had some time to see how well the law works. We believe that the adjustment contained in the proposed bill is appropriate because many of the crimes associated with domestic violence fall into the category of second degree assault. We also believe that a sentence of five years of imprisonment for a crime for an act of abuse that led to the original protective order indicates serious and dangerous behavior that is appropriate when defining the criteria for a permanent protective order. Many convicted criminals who are sentenced to lengthy terms of imprisonment never serve the full term of their sentences. This does not mean that they are not dangerous or that a victim of domestic violence is not justified in seeking permanent protection from a person whose behavior has been evaluated by both the civil and criminal courts. This proposed adjustment in our law will help keep our citizens safe.

Family Law - Peace Orders and Protective Orders - Burden of Proof

Bill Number: HB333/SB28

Synopsis: This bill changes the burden of proof for those who seek final protective orders and final peace orders. The current burden of proof requires the petitioner to prove by "*clear and convincing evidence*" that abuse, as defined in the protective order statute and peace order statute, has occurred. This bill changes the burden of proof to require the petitioner seeking relief in these two civil proceedings to prove the occurrence of abuse by "*a preponderance of the evidence.*" This bill was previously introduced as HB 700 in 2010; as HB 415 and SB 505 in 2007; as SB 86 in 2006; as SB 260 and HB 326 in 2005.

Committees: Senate Judicial Proceedings and House Judiciary

Lead Sponsors: Senator Brian Frosh, 410-841-3124; Delegate Luke Clippinger, 410-841-3303

Lead Group: Maryland Network Against Domestic Violence

Cynthia Lifson: 410-531-1619; Michaele Cohen: 301-429-3601

Background:

This proposal changes the standard required to prove abuse to obtain a final civil order of protection and a final peace order from the current standard of "clear and convincing" to a revised standard of "preponderance of the evidence." In so doing, this bill distinguishes the different remedies that are available to those dealing with domestic and interpersonal violence. Currently, if citizens choose to access the criminal justice system, it is necessary that the State prove the criminal act of the abuser by the traditional standard of "beyond reasonable doubt." On the other hand, if citizens choose to pursue remedies through the civil justice system and seek a protective order or a peace order, petitioners must prove by "clear or convincing evidence" that abuse occurred.

We believe that the traditional standard of proof, "preponderance of the evidence," should be applied in both protective order and peace order proceedings. The majority of civil actions in Maryland, including matters related to families such as divorce, custody, and child support, only require proof by a "preponderance of the evidence," and we believe that this standard should apply when courts grant final civil protective orders and final peace orders.

In addressing domestic violence cases, in <u>Coburn v. Coburn</u>, 342 Md. 244, 252 (1996), the Court of Appeals noted that the remedies provided in our domestic violence statute are designed to prevent further violence, not to discipline respondents. Our statute is protective, not punitive. To facilitate the proof of abuse by modifying the current standard of proof to "preponderance of the evidence," we expand the opportunities for persons eligible for relief to prove their cases adequately and obtain the protection that they need.

In an important study commissioned by the U.S. Department of Justice through the University of Kentucky entitled, *Civil Protective Orders: Improved Safety for Victims & Cost Effective for State Governments* ("the Kentucky Study"), it was determined that civil protective orders were associated with significant reductions in abuse, violence, and fear. The Kentucky Study also noted obstacles associated with obtaining a civil protective order, including the level of proof necessary to obtain a civil protective order. In Maryland, this bill will offer greater protection to our citizens by removing one obstacle to obtaining a final protective order and final peace order - the unreasonably difficult burden of proof currently required of persons eligible for relief who experience abuse.

Rape Survivor Family Protection Act (Akin's Law)

Bill Number: SB411

Synopsis: A bill to terminate the parental rights of rapists when a child is conceived

as a result of rape.

Committees: House Judiciary/Senate Judicial Proceedings Committee

Legislative Sponsor(s): Senator Jamie Raskin, 410-841-3634

Delegate Kathleen Dumais, 410-841-3052

Lead Group: Maryland Coalition Against Sexual Assault

Lisae C. Jordan, Esquire, 443-995-5544

Background:

Sexual assault continues to disproportionately impact women. Any estimate of the incidence of sexual assault is just that – an estimate – rape, child sexual abuse, and other sexual offenses continues to be one of the most underreported crimes in America. However, we do know that one out of every 8 adult women, or about 260,000 adult women in Maryland, has been the victim of forcible rape sometime in her lifetime. Ruggiero, K.J. & Kilpatrick, D. G. (2003), Rape in Maryland: A Report to the State. Charleston, SC: National Violence Against Women Prevention Research Center, Medical University of South Carolina.

In August 2012, Congressman Todd Akin suggested that women did not become pregnant as a result of "legitimate rape" and that pregnancy from rape is a rare occurrence. In fact, a longitudinal study of rape-related pregnancy in the U.S., published in the American Journal of Obstetrics and Gynecology (1996, vol. 175, pp. 320-325), found that 5% of rape victims of reproductive age (age 12-45) became pregnant as a result of rape, with the majority of pregnancies in adolescents.

The Rape Survivor Family Protection Act (Akin's Law) would give rape victims a process to terminate parental rights of rapists when a child is conceived as result of rape. Victims would be required to meet a clear and convincing standard of evidence. This is the same standard used for other termination of parental rights cases – no higher, no lower.

Protective Orders – Relief for Victims of Dating and Sexual Violence

Bill Number: SB41/HB TBD

Synopsis: A bill to allow victims of dating and sexual violence to seek protective orders.

Committees: House Judiciary/Senate Judicial Proceedings Committee

Legislative Sponsors: Senator Chris Shank, 410-841-3903

Delegate Kathleen M. Dumais, 410-841-3052

Lead Group: Maryland Coalition Against Sexual Assault

Lisae C. Jordan, Executive Director & Counsel, 443-995-5544

Background:

Protective Orders and Peace Orders are civil orders to protect individuals against future violence and harassment. This bill would move dating violence and sexual assault out of the Peace Order statute and the Protective Order statute. This will provide these victim/survivors with heightened protection and a better systemic response.

This bill responds to a murder and an assault, but also addresses a systemic gap in protection for victims. Heather Harris was shot to death by her former boyfriend, Randy Houston McPeak in June 2011. Cherie Sue Myers's former boyfriend attacked and threatened to kill her in August 2011. Both of the victims in these cases had Peace Orders against their assailants. The Washington County Deputy State's Attorney and local sheriff lamented the fact that the victims in these cases had peace orders, not protective orders. They pointed out that law enforcement is automatically notified when a protective order is issued, but not when a peace order is, and that there are special programs available in response to protective orders. These systemic responses help protect Marylanders and prevent future violence.

A 2009 survey of states found that 41 other states currently include dating violence in their protective order statutes. ABA Commission on Domestic Violence (2009). Virginia recently joined this group in response to the Yeardley Love murder. These states recognize that protective orders can help save lives in highly emotional and volatile cases.

Peace orders are simply not viewed with the same degree of seriousness as protective orders. Dating violence and sexual assault are volatile cases that need the special attention that a protective order produces. Rather than waste resources by expanding programs to all peace order cases, Maryland should simply move the cases that need a more serious response to the protective order statute. This will efficiently and effectively protect the people who need it.

Maryland Legislative Agenda for W⊋men

2013-2014 Membership Form

MLAW's membership year is July 1, 2013 through June 30, 2014



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Type of Membership (check only one):
□ \$35 - Individual□ \$70 - Organization income under \$25,000□ \$100 - Organization income over \$25,000
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The Maryland Legislative Agenda for Maryland Women (MLAW) is a 501(c)4 organization. Because we engage in legislative advocacy, contributions to MLAW are not tax-deductible.

Demonstrate Your Womanpower with MLAW

WHAT YOU CAN DO TO TAKE ACTION ON LEGISLATION

MLAW (Maryland Legislative Agenda for Women) is a statewide group of organizations and individuals working to provide an independent, non-partisan voice advocating for critical legislation and policies affecting women and their families. Visit our website at www.mdlegagendaforwomen.org for more information.

Here are a few steps you can take to stay informed about legislation you care about and to let your legislators know your position.



SIGN UP FOR MLAW'S YAHOO LIST SERVE to receive information, updates, alerts, and other information of interest.



LEARN MORE about the issues you care about.



CONTACT YOUR LEGISLATORS during the session:

- ★ Call, write, e-mail, fax or visit legislators to express your support or opposition to legislation. You can find who your state legislators are, their contact information, copies of bills, hearing schedules and more at http://mlis.state.md.us.
- ★ Contact the lead group or groups to find out more about what you can do to support or oppose legislative proposals or other issues.
- ★ Attend a legislative hearing and be a visible supporter.
- ★ Submit written or give oral testimony.
- ★ Find out how your legislators voted and hold them accountable by letters or by your next opportunity to vote for them.



SPREAD THE WORD – promote the MLAW Agenda and other issues to friends and colleagues and encourage them to take action.



MAINTAIN FOCUS on key areas: health care, reproductive rights, economics, family law, domestic and sexual violence.



JOIN MLAW to support an independent voice for women's and family issues.



PARTICIPATE – and build women's collective power.

Maryland Legislative Agenda for Women

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