



MSBA Bill Report 2A - Criminal Law

(2024.01.23)

January 23, 2024

MD - HB403 End-of-Life Option Act (The Honorable Elijah E. Cummings and the Honorable Shane E. Pendergrass Act)

Last Action: Text - First - End-of-Life Option Act (The Honorable Elijah E. Cummings and the Honorable Shane E. Pendergrass Act) (January 18, 2024)

Primary Sponsor: Delegate Terri L. Hill (D)

Committees:

Health and Government Operations (House)

Judiciary (House)

Summary:

Authorizing an individual to request aid in dying by making certain requests; establishing requirements and prohibitions governing aid in dying, including requirements related to requests for aid in dying, consulting physicians, mental health assessments, the disposal of drugs prescribed for aid in dying, health care facility policies, and the effect of aid in dying on insurance policies; authorizing a pharmacist to dispense medication for aid in dying only to certain individuals under certain circumstances; etc.

Cross-filed Bill: SB443

MD - HB406 Marriage Confidential Communication Criminal Charge

Last Action: Text - First - Marriage Confidential Communication Criminal Charge (January 18, 2024)

Primary Sponsor: Delegate Karen Simpson (D)

Committee: Judiciary (House)

Summary:

Establishing that a certain spouse is competent to disclose a confidential communication between spouses occurring during their marriage in a criminal action in which one spouse is charged with a crime against the other spouse.

Statutes Amended:

9-105 Article - Courts and Judicial Proceedings

MD - HB421 Criminal Law - Use or Possession of a Machine Gun in the Commission or Attempted Commission of a Felony

Last Action: Text - First - Criminal Law - Use or Possession of a Machine Gun in the Commission or Attempted Commission of a Felony (January 18, 2024)

Primary Sponsor: Delegate Dalya Attar (D)

Committee: Judiciary (House)

Summary:

Providing that a person may not use or possess a machine gun in the commission or attempted commission of a felony.

Statutes Amended:

4-404 Article - Criminal Law

MD - HB422 Criminal Law Crime of Violence Definition

Last Action: Text - First - Criminal Law Crime of Violence Definition (January 18, 2024)

Primary Sponsor: Delegate Dalya Attar (D)

Committee: Judiciary (House)

Summary:

Adding certain crimes relating to possession of a regulated firearm and possession of a rifle or shotgun to a certain definition of "crime of violence".

Statutes Amended:

14-101 Article - Criminal Law

MD - HB435 Child Support - Incarcerated Obligors

Last Action: Text - First - Child Support - Incarcerated Obligors (January 22, 2024)

Primary Sponsor: Chair, Judiciary Committee

Committee: Judiciary (House)

Summary:

Authorizing a court, if an obligor becomes incarcerated, to determine that a material change of circumstances warranting a modification of child support has occurred, provided that the party's ability to pay child support is sufficiently reduced due to the incarceration.

MD - HB439 Criminal Law - First-Degree Assault - Assault With a Firearm

Last Action: Text - First - Criminal Law - First-Degree Assault - Assault With a Firearm (January 22, 2024)

Primary Sponsor: Delegate Kym Taylor (D)

Committee: Judiciary (House)

Summary:

Adding a certain intent requirement to the elements of the crime of first degree assault, with regard to committing an assault with a firearm.

Cross-filed Bill: SB351

Statutes Amended:

3-202 Article - Criminal Law

MD - HB465 Workplace Fraud and Prevailing Wage - Violations - Penalties and Referrals

Last Action: Text - First - Workplace Fraud and Prevailing Wage - Violations - Penalties and Referrals (January 22, 2024)

Primary Sponsor: Delegate Adrian Boafo (D)

Committee: Economic Matters (House)

Summary:

Establishing certain criminal penalties for employers knowingly failing to properly classify individuals as employees and contractors and subcontractors knowingly violating State prevailing wage laws; and requiring the Commissioner of Labor and Industry to refer to the Comptroller, certain State's Attorneys, the U.S. Department of Justice, the U.S. Department of Labor, and the U.S. Department of the Treasury certain complaints that allege a violation of certain tax laws under certain circumstances.

Cross-filed Bill: SB436

Statutes Amended:

17-227 Article - State Finance and Procurement
3-909,

3-910 Article - Labor and Employment

MD - HB482 Criminal Injuries Compensation Board - Victims of Nonfatal Strangulation

Last Action: Text - First - Criminal Injuries Compensation Board - Victims of Nonfatal Strangulation (January 22, 2024)

Primary Sponsor: Delegate Karen Simpson (D)

Committee: Judiciary (House)

Summary:

Authorizing the reimbursement of certain physicians, qualified health care providers, and hospitals by the Criminal Injuries Compensation Board for certain forensic examinations of and health care services provided to a victim of nonfatal strangulation without charge; and specifying that "strangulation" includes strangulation that is not related to rape, sexual offense, or sexual abuse.

Cross-filed Bill: SB398

Statutes Amended:

11-1007,

11-1102,

11-801,

11-816.1 Article - Criminal Procedure

MD - SB391 Criminal Law - Sexual Extortion, Stalking, and Revenge Porn - Statute of Limitations and In Banc Review

Last Action: Hearing 2/02 at 1:00 p.m. (January 19, 2024)

Primary Sponsor: Senator Ariana B. Kelly (D)

Committee: Judicial Proceedings (Senate)

Scheduled Hearing:

Judicial Proceedings (Senate)

Date: February 2, 2024

Time: 1:00pm (EST)

Location: East Miller Senate Building, Room 2, Annapolis, MD

Summary:

Providing that the State may institute a prosecution for sexual extortion, stalking, or revenge porn at any time; and providing that, for purposes of the Maryland Constitution, a person who commits sexual extortion, stalking, or revenge porn shall be deemed to have committed a misdemeanor whose punishment is confinement in the penitentiary and may reserve a point or question for a certain in banc review.

Statutes Amended:

3-709,

3-802,

3-809 Article - Criminal Law

5-106 Article - Courts and Judicial Proceedings

MD - SB398 Criminal Injuries Compensation Board - Victims of Nonfatal Strangulation

Last Action: Hearing 2/01 at 1:00 p.m. (January 18, 2024)

Primary Sponsor: Senator William G. Folden (R)

Committee: Judicial Proceedings (Senate)

Scheduled Hearing:

Judicial Proceedings (Senate)

Date: February 1, 2024

Time: 1:00pm (EST)

Location: East Miller Senate Building, Room 2, Annapolis, MD

Summary:

Authorizing the reimbursement of certain physicians, qualified health care providers, and hospitals by the Criminal Injuries Compensation Board for certain forensic examinations of and health care services provided to a victim of nonfatal strangulation without charge; and specifying that "strangulation" includes strangulation that is not related to rape, sexual offense, or sexual abuse.

Cross-filed Bill: HB482

MD - SB402 Correctional Training Commission - Membership - Alterations

Last Action: Hearing 2/07 at 2:00 p.m. (January 18, 2024)

Primary Sponsor: Senator Mike McKay (R)

Committee: Judicial Proceedings (Senate)

Scheduled Hearing:

Judicial Proceedings (Senate)

Date: February 7, 2024

Time: 2:00pm (EST)

Location: East Miller Senate Building, Room 2, Annapolis, MD

Summary:

Altering the membership of the Correctional Training Commission; requiring certain members of the Commission appointed by the Governor to represent certain geographic regions; etc.

Statutes Amended:

8-204 Article - Correctional Services

MD - SB424 Criminal Procedure - Admission of Out-of-Court Statements - Assault in the Second Degree

Last Action: Text - First - Criminal Procedure - Admission of Out-of-Court Statements - Assault in the Second Degree (January 19, 2024)

Primary Sponsor: Senator Mary-Dulany James (D)

Committee: Judicial Proceedings (Senate)

Summary:

Providing that during the trial of a criminal case in which a defendant is charged with an assault in the second degree, a certain statement is not excluded by the hearsay rule if the statement is offered against a party that has engaged in, directed, or conspired to commit wrongdoing that was intended to and did procure the unavailability of the declarant of the statement, under certain circumstances.

Statutes Amended:

10-901 Article - Courts and Judicial Proceedings

MD - SB435 Criminal Law Crimes of Arson Prohibitions and Penalties

Last Action: Text - First - Criminal Law Crimes of Arson Prohibitions and Penalties (January 19, 2024)

Primary Sponsor: Senator Jason C. Gallion (R)

Committee: Judicial Proceedings (Senate)

Summary:

Prohibiting a person from committing a certain crime of arson that causes injury to a firefighter during the response to the fire or the efforts to suppress the fire; and establishing that a person who violates the Act is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years.

Statutes Amended:

6-112 Article - Criminal Law

MD - SB436 Workplace Fraud and Prevailing Wage - Violations - Penalties and Referrals

Last Action: Hearing 2/15 at 1:00 p.m. (January 22, 2024)

Primary Sponsor: Senator Dawn Gile (D)

Committee: Finance (Senate)

Scheduled Hearing:

Finance (Senate)

Date: February 15, 2024

Time: 1:00pm (EST)

Location: East Miller Senate Building, Room 3, Annapolis, MD

Summary:

Establishing certain criminal penalties for employers knowingly failing to properly classify individuals as employees and contractors and subcontractors knowingly violating State prevailing wage laws; and requiring the Commissioner of Labor and Industry to refer to the Comptroller, certain State's Attorneys, the U.S. Department of Justice, the U.S. Department of Labor, and the U.S. Department of the Treasury certain complaints that allege a violation of certain tax laws under certain circumstances.

Cross-filed Bill: HB465

MD - SB443 End-of-Life Option Act (The Honorable Elijah E. Cummings and the Honorable Shane E. Pendergrass Act)

Last Action: Text - First - End-of-Life Option Act (The Honorable Elijah E. Cummings and the Honorable Shane E. Pendergrass Act) (January 22, 2024)

Primary Sponsor: Senator Jeff Waldstreicher (D)

Committee: Judicial Proceedings (Senate)

Summary:

Authorizing an individual to request aid in dying by making certain requests; establishing requirements and prohibitions governing aid in dying, including requirements related to requests for aid in dying, consulting physicians, mental health assessments, the disposal of drugs prescribed for aid in dying, health care facility policies, and the effect of aid in dying on insurance

policies; authorizing a pharmacist to dispense medication for aid in dying only to certain individuals under certain circumstances; etc.

Cross-filed Bill: HB403

MD - SB449 Criminal Procedure Incompetency to Stand Trial Dismissal

Last Action: Text - First - Criminal Procedure Incompetency to Stand Trial Dismissal (January 22, 2024)

Primary Sponsor: Senator C. Anthony Muse (D)

Committee: Judicial Proceedings (Senate)

Summary:

Altering the time period after which a court is required to dismiss a certain charge against a defendant found incompetent to stand trial under certain circumstances; and authorizing a victim or victim's representative to petition the court to extend the time for dismissal of certain charges against a defendant found incompetent to stand trial.

Statutes Amended:

11-506,

3-107 Article - Criminal Procedure

MD - SB453 Mental Health - Emergency Evaluation and Involuntary Admission Procedures and Assisted Outpatient Treatment Programs

Last Action: Text - First - Mental Health - Emergency Evaluation and Involuntary Admission Procedures and Assisted Outpatient Treatment Programs (January 22, 2024)

Primary Sponsor: President

Committee: Finance (Senate)

Summary:

Requiring a peace officer, when the peace officer receives a petition for emergency evaluation for an individual, to transport the emergency evaluatee to a nearby emergency facility, rather than the nearest emergency facility; authorizing a psychiatric nurse practitioner to evaluate an emergency evaluatee for purposes of involuntary admission; requiring each county to establish an assisted outpatient treatment program; etc.

MD - SB454 Criminal Procedure - Expungement - Completion of Sentence

Last Action: Text - First - Criminal Procedure - Expungement - Completion of Sentence (January 22, 2024)

Primary Sponsor: Senator Jill P. Carter (D)

Committee: Judicial Proceedings (Senate)

Summary:

Altering certain provisions of law relating to waiting periods for the filing of certain petitions for expungement to authorize the filing of a petition a certain amount of time after the completion of the sentence.

Cross-filed Bill: HB73

MD - SB468 Criminal Law - Private Home Detention Monitoring - Notification

Last Action: Text - First - Criminal Law - Private Home Detention Monitoring - Notification (January 22, 2024)

Primary Sponsor: Senator Cory V. McCray (D)

Committee: Judicial Proceedings (Senate)

Summary:

Requiring a private home detention monitoring agency to immediately notify the court after a defendant subject to home monitoring as a condition of pretrial release has been missing for 24 hours; requiring a private home detention monitoring agency to immediately notify the Division of Parole and Probation on determining that an individual subject to home monitoring as a condition of probation has been missing for 24 hours; establishing the Workgroup on Home Detention Monitoring; etc.

Statutes Amended:

20-401 Article - Business Occupations and Professions

9-405 Article - Criminal Law

MD - SB469 Maryland Cannabis Administration Cannabis Licensing Protests of Renewal

Last Action: Text - First - Maryland Cannabis Administration Cannabis Licensing Protests of Renewal (January 22, 2024)

Primary Sponsor: Senator Cory V. McCray (D)

Committee: Finance (Senate)

Summary:

Authorizing certain individuals who are residents, commercial tenants who are not holders of or applicants for a license, or real estate owners, and who are located within 1,000 feet of the licensed premises to file a protest with the Maryland Cannabis Administration against the renewal of a cannabis license; providing that a protest against a license renewal may be filed with the Administration by at least 10 individuals; and establishing standards and requirements for the Administration's consideration of a protest filed under the Act.

Statutes Amended:

36-411 Article - Alcoholic Beverages and Cannabis

[MD - SB470 Growing Apprenticeships and the Public Safety Workforce \(GAPS\) Act](#)

Last Action: Text - First - Growing Apprenticeships and the Public Safety Workforce (GAPS) Act (January 22, 2024)

Primary Sponsor: President

Committee: Judicial Proceedings (Senate)

Summary:

Altering the Law Enforcement Cadet Apprenticeship Program in the Maryland Department of Labor to be the Public Safety Apprenticeship Program; expanding the purpose and scope of the Program to promote careers with certain public safety agencies; requiring the Maryland Police Training and Standards Commission to develop certain mental health wellness policies to be implemented in certain law enforcement agencies; establishing the Workgroup on Growing Engagement in the Law Enforcement Workforce; etc.

Statutes Amended:

11-603 Article - Labor and Employment

3-201,

3-207 Article - Public Safety

[MD - SB472 State Government - Permits, Licenses, and Certificates - Processing \(Transparent Government Act of 2024\)](#)

Last Action: Text - First - State Government - Permits, Licenses, and Certificates - Processing (Transparent Government Act of 2024) (January 22, 2024)

Primary Sponsor: President

Committee: Education, Energy, and the Environment (Senate)

Summary:

Requiring certain departments and independent units to create a certain catalog of information relating to permits, licenses, and certificates issued by the department or independent unit and submit the catalog to the Governor on or before September 1, 2024; requiring certain departments and independent units to post certain information relating to permits, licenses, and certificates on the website of the department or independent unit on or before December 1, 2024; establishing the Government Efficiency Commission; etc.

Statutes Amended:

8-506, 9-3801, 9-3802 Article - State Government

[MD - SB475 Center for Firearm Violence Prevention - Establishment](#)

Last Action: Text - First - Center for Firearm Violence Prevention - Establishment (January 22, 2024)

Primary Sponsor: President

Committee: Finance (Senate)

Summary:

Establishing the Center for Firearm Violence Prevention in the Maryland Department of Health to reduce firearm violence, harm from firearm violence, and misuse of firearms in the State by partnering with federal, State, and local agencies and affected communities to implement a public health approach to firearm violence reduction; requiring the Center, by May 1, 2025, to submit to the Governor and the General Assembly a preliminary State Plan for a Public Health Approach to Reducing Firearm Violence; etc.

Statutes Amended:

13-5201 through 13-5205 Article - Health - General

[MD - SB481 Renters' Rights and Stabilization Act of 2024](#)

Last Action: Text - First - Renters' Rights and Stabilization Act of 2024 (January 22, 2024)

Primary Sponsor: President

Committees:

Judicial Proceedings (Senate)

Education, Energy, and the Environment (Senate)

Summary:

Increasing maximum surcharges for certain eviction proceedings from \$8 to \$93 and prohibiting the District Court from assigning the surcharge against a tenant; altering the priority and criteria in the Statewide Rental Assistance Voucher Program that are followed by the Department of Housing and Community Development and public housing agencies for providing vouchers and housing assistance payments to families; limiting the maximum security deposit required by a residential lease to 1 month's rent; etc.

Statutes Amended:

14-133,

8-119,

8-203,

8-208,

8-401 Article - Real Property

4-2901,

4-2906,

5-101 through 5-104 Article - Housing and Community Development

7-301 Article - Courts and Judicial Proceedings

[MD - SB482 Governor's Office for Children - Engaging Neighborhoods, Organizations, Unions, Governments, and Households \(ENOUGH\) Grant Program \(ENOUGH Act of 2024\)](#)

Last Action: Text - First - Governor's Office for Children - Engaging Neighborhoods, Organizations, Unions, Governments, and Households (ENOUGH) Grant Program (ENOUGH Act of 2024) (January 22, 2024)

Primary Sponsor: President

Committees:

Budget and Taxation (Senate)

Education, Energy, and the Environment (Senate)

Summary:

Establishing the Governor's Office for Children and the Special Secretary of the Governor's Office for Children as the head of the Office; requiring the Special Secretary to establish the ENOUGH grant program, subject to certain requirements; requiring the Office to assign certain staff for a certain purpose; establishing certain reporting and evaluation requirements; establishing the ENOUGH Grant Fund as a special, nonlapsing fund; requiring the Governor to appropriate \$15,000,000 to the fund for fiscal year 2026; etc.

Statutes Amended:

190., 6-226 Article - State Finance and Procurement
9-2801 through 9-2805 Article - State Government