



MSBA Bill Report 2A - Judicial Matters

(2024.01.23)

January 23, 2024

MD - HB402 Real Property - Nuisance and Breach of Lease Actions - Rodent Harborage

Last Action: Hearing 2/13 at 1:00 p.m. (January 23, 2024)

Primary Sponsor: Delegate Robin L. Grammer, Jr. (R)

Committee: Environment and Transportation (House)

Scheduled Hearing:

Environment and Transportation (House)

Date: February 13, 2024

Time: 1:00pm (EST)

Location: House Office Building, Room 250, Annapolis, MD

Summary:

Authorizing an individual to bring a nuisance action for damages caused by rodent harborage on certain real property against certain individuals and authorizing a landlord to bring a breach of lease action against a tenant for behavior that causes or contributes to rodent harborage; and providing that a nuisance action may not be brought under the Act if the rodent harborage occurs on property that is zoned for agricultural use and is actually and primarily used as agricultural property.

Statutes Amended:

14-134,

8-402.1 Article - Real Property

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 - MarriageConfidential CommunicationCriminal 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 - HB417 Baltimore County - Nuisance Actions - Community Association

Last Action: Text - First - Baltimore County - Nuisance Actions - Community Association (January 18, 2024)

Primary Sponsor: Delegate Robin L. Grammer, Jr. (R)

Committee: Environment and Transportation (House)

Summary:

Altering the definitions of "community association" and "local code violation" to authorize community associations to seek judicial relief for nuisance abatement in Baltimore County; and repealing a provision of law requiring the Circuit Court for Baltimore County to determine the amount and conditions of a bond filed by a community association in a certain nuisance action.

Cross-filed Bill: SB383

MD - HB432 Courts and Judicial Proceedings and Criminal Procedure - Technical Corrections - References to Intellectual Disability

Last Action: Text - First - Courts and Judicial Proceedings and Criminal Procedure - Technical Corrections - References to Intellectual Disability (January 18, 2024)

Primary Sponsor: Delegate Aaron M. Kaufman (D)

Committee: Judiciary (House)

Summary:

Replacing references to mental retardation with references to an intellectual disability in certain provisions of law.

Statutes Amended:

3-101,

3-105,

3-106,

3-108,
3-109,
3-110,
3-112,
3-114 Article - Criminal Procedure
3-801,
3-8A-01,
3-8A-17.3,
3-8A-19 Article - Courts and Judicial Proceedings

[MD - HB435 Child Support - Incarcerated Obligor](#)

Last Action: Text - First - Child Support - Incarcerated Obligor (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 - SB351 Criminal Law - First-Degree Assault - Assault With a Firearm](#)

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

Primary Sponsor: Senator Ron Watson (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:

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: HB439

Statutes Amended:

3-202 Article - Criminal Law

MD - SB383 [Baltimore County - Nuisance Actions - Community Association](#)

Last Action: Hearing 2/08 at 1:00 p.m. (January 18, 2024)

Primary Sponsor: Senator Johnny Ray Salling (R)

Committee: Judicial Proceedings (Senate)

Scheduled Hearing:

Judicial Proceedings (Senate)

Date: February 8, 2024

Time: 1:00pm (EST)

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

Summary:

Altering the definitions of "community association" and "local code violation" to authorize community associations to seek judicial relief for nuisance abatement in Baltimore County; and repealing a provision of law requiring the Circuit Court for Baltimore County to determine the amount and conditions of a bond filed by a community association in a certain nuisance action.

Cross-filed Bill: HB417

Statutes Amended:

14-125 Article - Real Property

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 - SB423 Real Property - Recordation - Procedures

Last Action: Text - First - Real Property - Recordation - Procedures (January 19, 2024)

Primary Sponsor: Senator Mary-Dulany James (D)

Committee: Judicial Proceedings (Senate)

Summary:

Requiring a county treasurer, tax collector, or director of finance to provide a certificate enumerating certain taxes, assessments, and charges against a property and to establish certain procedures to facilitate the issuance of a certificate; requiring a collecting agent presented with a certificate to endorse a deed and establishing that this endorsement is sufficient authority for a transfer on the assessment books; authorizing a county or municipality to collect a fee of up to \$55 for the issuance of a certain certificate; etc.

Statutes Amended:

3-104,

3-703 Article - Real Property

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 - 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 - SB438 Family Law - Fundamental Parental Rights

Last Action: Text - First - Family Law - Fundamental Parental Rights (January 22, 2024)

Primary Sponsor: Senator Justin Ready (R)

Committee: Judicial Proceedings (Senate)

Summary:

Establishing that a parent has the fundamental right to direct the upbringing, education, care, and welfare of the parent's child; and prohibiting the State or a political subdivision from infringing on a parent's fundamental right to direct the upbringing, education, care, and welfare of the parent's child

unless the State or political subdivision can demonstrate by clear and convincing evidence certain factors.

Statutes Amended:

5-2B-01 through 5-2B-03 Article - Family Law

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 - 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