

HOUSE BILL 1342

P5, G2, D5

8lr2920
CF 8lr3874

By: **Delegates Kelly, Fraser-Hidalgo, Krimm, Barve, and Robinson**

Introduced and read first time: February 9, 2018

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Legislative Branch of State Government – Sexual Harassment**

3 FOR the purpose of authorizing any entity to file with the State Ethics Commission a
4 written complaint alleging that a regulated lobbyist has sexually harassed a member
5 of the General Assembly or a certain employee; authorizing any entity to file with
6 the State Ethics Commission a written complaint alleging that a member of the
7 General Assembly has sexually harassed a regulated lobbyist; requiring the Joint
8 Committee on Legislative Ethics to refer certain complaints to an outside and
9 independent investigator; requiring the investigator to submit its findings and
10 recommendations to the Committee for certain further proceedings; requiring the
11 Committee to develop a certain code of conduct for the General Assembly; requiring
12 the Office of the Executive Director in the Department of Legislative Services to
13 maintain certain records regarding certain individuals who take sexual harassment
14 training; requiring the Office to maintain the records for at least a certain period of
15 time; requiring the Commission on Civil Rights to conduct a certain survey of
16 members and employees of the General Assembly on or before certain dates;
17 prohibiting the survey from requesting certain information or being conducted in a
18 certain manner; requiring the Commission on Civil Rights to submit a certain report
19 to the President of the Senate, the Speaker of the House of Delegates, and the Joint
20 Committee on Legislative Ethics; making a conforming change; and generally
21 relating to sexual harassment in the Legislative Branch of State government.

22 BY repealing and reenacting, without amendments,

23 Article – General Provisions

24 Section 5–101(a), (k), (u), and (hh)

25 Annotated Code of Maryland

26 (2014 Volume and 2017 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article – General Provisions

29 Section 5–401 and 5–518

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2014 Volume and 2017 Supplement)

3 BY adding to
4 Article – General Provisions
5 Section 5–518.1
6 Annotated Code of Maryland
7 (2014 Volume and 2017 Supplement)

8 BY repealing and reenacting, without amendments,
9 Article – State Government
10 Section 2–701, 2–1201, 2–1211, and 20–101(a) and (b)
11 Annotated Code of Maryland
12 (2014 Replacement Volume and 2017 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – State Government
15 Section 2–706 and 2–1215
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2017 Supplement)

18 BY adding to
19 Article – State Government
20 Section 20–207.1
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2017 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That the Laws of Maryland read as follows:

25 **Article – General Provisions**

26 5–101.

27 (a) In this title the following words have the meanings indicated unless:

28 (1) the context clearly requires a different meaning; or

29 (2) a different definition is adopted for a particular provision.

30 (k) “Ethics Commission” means the State Ethics Commission.

31 (u) “Joint Ethics Committee” means the Joint Committee on Legislative Ethics.

32 (hh) “Regulated lobbyist” means an entity that is required to register with the
33 Ethics Commission under § 5–702(a) of this title.

1 5-401.

2 (a) (1) Any entity may file with the Ethics Commission a written complaint
3 alleging:

4 (I) a violation of this title;

5 (II) THAT A REGULATED LOBBYIST HAS SEXUALLY HARASSED A
6 MEMBER OF THE GENERAL ASSEMBLY OR AN EMPLOYEE OF THE GENERAL
7 ASSEMBLY OR THE DEPARTMENT OF LEGISLATIVE SERVICES; OR

8 (III) THAT A MEMBER OF THE GENERAL ASSEMBLY HAS
9 SEXUALLY HARASSED A REGULATED LOBBYIST.

10 (2) A complaint filed under this subsection shall be:

11 (i) signed; and

12 (ii) made under oath.

13 (b) The Ethics Commission on its own motion may issue a complaint alleging a
14 violation of this title.

15 (c) The Ethics Commission shall promptly transmit a copy of the complaint to the
16 respondent.

17 5-518.

18 (a) [After] **EXCEPT AS PROVIDED IN § 5-518.1 OF THIS SUBTITLE, AFTER** the
19 filing or preparation of a complaint under § 5-516 of this subtitle, the Joint Ethics
20 Committee shall review the complaint and proceed in accordance with § 5-519 of this
21 subtitle unless, after examining the complaint and the issues raised by it, the Committee
22 finds that further proceedings are not justified because:

23 (1) the complaint is frivolous;

24 (2) the complaint does not allege actions on the part of the accused
25 legislator that provide reason to believe that a violation may have occurred;

26 (3) the matters alleged are not within the jurisdiction of the Joint Ethics
27 Committee;

28 (4) the violations alleged were inadvertent, technical, or minor, or have
29 been cured, and, after consideration of all of the circumstances then known, further
30 proceedings would not serve the purposes of this subtitle; or

1 (5) for other reasons, after consideration of all the circumstances, further
2 proceedings would not serve the purposes of this subtitle.

3 (b) (1) If a finding is made under subsection (a) of this section, the Joint Ethics
4 Committee shall:

5 (i) submit a report of its conclusions to the presiding officer or to the
6 membership of the branch of the legislature of which the accused legislator is a member,
7 and the proceedings shall be terminated;

8 (ii) provide advice or guidance to the accused legislator; or

9 (iii) provide the accused legislator with an opportunity to cure any
10 minor violation of ethical standards.

11 (2) (i) Subject to § 5–517 of this subtitle, notice of the Joint Ethics
12 Committee’s action shall be provided to the accused legislator and to any person who filed
13 the complaint.

14 (ii) On request, the accused legislator may see the complaint and the
15 report.

16 (c) If no finding is made under subsection (a) of this section, the Joint Ethics
17 Committee shall prepare an allegation summary, based on its examination under
18 subsection (a) of this section, setting forth the alleged facts and the issues then known that
19 merit further proceedings.

20 (d) After review of a complaint, the Joint Ethics Committee shall provide a
21 statement of its findings to the accused legislator.

22 **5–518.1.**

23 **(A) THE JOINT ETHICS COMMITTEE SHALL REFER A COMPLAINT ALLEGING**
24 **THAT A MEMBER OF THE GENERAL ASSEMBLY HAS VIOLATED THE CODE OF**
25 **CONDUCT DEVELOPED UNDER § 2–706(A)(8) OF THE STATE GOVERNMENT ARTICLE**
26 **TO AN OUTSIDE AND INDEPENDENT INVESTIGATOR.**

27 **(B) IF A COMPLAINT IS REFERRED TO AN OUTSIDE AND INDEPENDENT**
28 **INVESTIGATOR UNDER SUBSECTION (A) OF THIS SECTION, THE INVESTIGATOR**
29 **SHALL SUBMIT ITS FINDINGS AND RECOMMENDATIONS TO THE JOINT ETHICS**
30 **COMMITTEE FOR FURTHER PROCEEDINGS IN ACCORDANCE WITH THIS SUBTITLE.**

31 **Article – State Government**

32 2–701.

1 In this subtitle, "Committee" means the Joint Committee on Legislative Ethics.
2 2-706.

3 (a) The Committee shall:

4 (1) perform all duties assigned to it by law or by legislative rules;

5 (2) from time to time, recommend to the presiding officers any changes in
6 or amendments to the rules of legislative ethics;

7 (3) on request of a member of the General Assembly, issue an advisory
8 opinion regarding the legislative ethics of an action taken or contemplated to be taken by
9 the member;

10 (4) on its own motion, issue advisory opinions as it deems necessary;

11 (5) at the request of the President or the Speaker, make recommendations
12 concerning matters referred to the Committee;

13 (6) as it deems necessary, issue guidelines and establish procedures for the
14 implementation of the rules of legislative ethics; [and]

15 (7) maintain public records as the rules require; AND

16 (8) **DEVELOP A CODE OF CONDUCT FOR THE GENERAL ASSEMBLY**
17 **THAT INCLUDES:**

18 (I) **A CLEAR DEFINITION OF SEXUAL HARASSMENT;**

19 (II) **A CLEAR DEFINITION OF RETALIATION; AND**

20 (III) **A LIST OF ACTIONS THAT WILL BE TAKEN AGAINST AN**
21 **INDIVIDUAL WHO VIOLATES THE CODE OF CONDUCT.**

22 (b) (1) The Committee shall maintain the statements filed by members of the
23 General Assembly under Title 15, Subtitle 5 of this article and, during normal office hours,
24 make the statements available to the public for examination and copying.

25 (2) The Committee shall maintain a record of:

26 (i) the name and home address of each individual who examines or
27 copies a statement filed with the Committee by a member of the General Assembly; and

28 (ii) the name of the member whose statement was examined or
29 copied.

1 (3) On the request of the member whose statement was examined or
2 copied, the Committee shall forward to the member a copy of the record maintained by the
3 Committee under paragraph (2)(i) of this subsection.

4 2–1201.

5 (a) In this subtitle the following words have the meanings indicated.

6 (b) “Department” means the Department of Legislative Services.

7 (c) “Executive Director” means the Executive Director of the Department.

8 2–1211.

9 As used in this Part III, “Office” means the Office of the Executive Director.

10 2–1215.

11 (a) The Office shall manage all personnel activities of the Department and
12 generally carry out the duties set forth in § 2–1205 of this subtitle.

13 (b) The Office shall manage the personnel activities of the General Assembly as
14 assigned by the President and the Speaker.

15 **(C) (1) THE OFFICE SHALL MAINTAIN ELECTRONIC RECORDS THAT**
16 **INCLUDE:**

17 **(I) THE NAME OF EACH MEMBER OF THE GENERAL ASSEMBLY,**
18 **EACH EMPLOYEE OF THE GENERAL ASSEMBLY, AND EACH EMPLOYEE OF THE**
19 **DEPARTMENT WHO TAKES WORKPLACE HARASSMENT TRAINING;**

20 **(II) THE DATE THE WORKPLACE HARASSMENT TRAINING WAS**
21 **COMPLETED; AND**

22 **(III) THE NAME OF THE PERSON WHO CONDUCTED THE**
23 **TRAINING.**

24 **(2) THE OFFICE SHALL MAINTAIN THE RECORDS REQUIRED UNDER**
25 **PARAGRAPH (1) OF THIS SUBSECTION FOR AT LEAST 5 YEARS AFTER THE MEMBER**
26 **OR EMPLOYEE TAKES WORKPLACE HARASSMENT TRAINING.**

27 20–101.

28 (a) In Subtitles 1 through 11 of this title the following words have the meanings

1 indicated.

2 (b) "Commission" means the Commission on Civil Rights.

3 **20-207.1.**

4 (A) ON OR BEFORE JUNE 1, 2019, AND ON OR BEFORE JUNE 1 EVERY 2
5 YEARS THEREAFTER, SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE
6 COMMISSION SHALL CONDUCT A SURVEY OF MEMBERS AND EMPLOYEES OF THE
7 GENERAL ASSEMBLY TO DETERMINE:

8 (1) THE SCOPE OF DISCRIMINATION AND HARASSMENT IN THE
9 LEGISLATIVE BRANCH OF STATE GOVERNMENT;

10 (2) WHETHER DISCRIMINATION AND HARASSMENT PREVENTION AND
11 REFORM EFFORTS ARE REDUCING THE PREVALENCE OF DISCRIMINATION AND
12 HARASSMENT IN THE LEGISLATIVE BRANCH OF STATE GOVERNMENT; AND

13 (3) WHETHER THE COMPLAINT AND REPORTING PROCESS
14 REGARDING INSTANCES OF DISCRIMINATION AND HARASSMENT IN THE
15 LEGISLATIVE BRANCH OF STATE GOVERNMENT IS SUFFICIENT.

16 (B) THE SURVEY CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION
17 MAY NOT REQUEST ANY INFORMATION OR BE CONDUCTED BY ANY METHOD THAT
18 WOULD MAKE THE RESPONDENT OR THE RESPONDENT'S OFFICE IDENTIFIABLE.

19 (C) THE COMMISSION SHALL SUBMIT TO THE PRESIDENT OF THE SENATE,
20 THE SPEAKER OF THE HOUSE OF DELEGATES, AND THE JOINT COMMITTEE ON
21 LEGISLATIVE ETHICS A REPORT THAT SUMMARIZES THE RESULTS OF THE SURVEY
22 CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2018.