



The LEGISLATIVE WRAP-UP

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[Bill Introduction Dates](#)

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The introduction of legislation is governed by Maryland Constitutional provisions, by Senate and House rules, and by custom. Article III, Section 27 of the Maryland Constitution prohibits the introduction of legislation "during the last thirty-five calendar days" of a regular session, unless permitted by two-thirds vote of the members. This allows 55 days for the normal introduction of bills. The Senate and House rules alter the 55/35 day situation. Senate Rule 32(b) requires Senate bills and joint resolutions introduced "after the twenty-fourth calendar day" of the session to be referred to the Senate Rules Committee. Therefore, February 4 is the Senate Bill Introduction Date. Next Friday, February 11, is the House Bill Introduction Date. As required by House Rule 32(b), all House bills and joint resolutions introduced "during the last fifty-nine calendar days" of the session (after the thirty-first day) will be referred to the House Rules and Executive Nominations Committee.

[Courts](#)

Courts

The statute of limitations for medical malpractice claims is the earlier of five years after the time an injury was committed or three years after discovery of an injury. For a child, these time limitations begin at the age of 11, if the injury occurred when the child was younger than 11. Under HB 27, the time limitations would begin at age 16, if the child is injured before the age of 16. Testimony at the bill hearing last week disclosed that medical malpractice claims are the only actions where a child's right to file suit is limited to less than three years past the age of majority.

[Economic Matters/Consumer Affairs](#)

[Health](#)

Other court-related measures before the General Assembly include:

- HB 42, to expand the exclusive jurisdiction of the District Court by requiring all cases with an amount in controversy of \$10,000 or less to be filed in that court. (Currently, cases involving over \$2,500 and up to \$10,000 in controversy may be filed in either District or circuit court);
- HB 389, to eliminate a court's authority to postpone a trial date later than 180 days after the earlier of the appearance of counsel or the first appearance of the defendant before the court; and
- HB 381, to expand the jurisdiction of the juvenile court to include proceedings involving children who are at least 14 years old and are charged with a crime that, if committed by an adult, would be punishable by death or life imprisonment, and children who are at least 16 years old who are charged with certain violent offenses. (Currently, an adult court has jurisdiction over these proceedings, but may waive jurisdiction to juvenile court if it is in the interest of the child or society.)

[Family Law](#)

[Fiscal Matters](#)

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Criminal Matters and Corrections

A package of bills introduced this week aimed at addressing racial disparity in the Maryland criminal justice system deals with criminal procedure, parole, crimes and punishments, as well as

juvenile justice. These bills, including HB 389 and HB 381 as discussed under Courts, are:

- HB 380, to allow a prisoner serving a jail term that includes a mandatory minimum sentence imposed before July 1, 1999, to request a review of the mandatory minimum sentence;
- HB 382, to prohibit confining children in adult prisons or transporting children with adults charged with or convicted of crimes until the child is convicted as an adult;
- HB 383, to establish a task force to assess the needs of newly released inmates;
- HB 384, to repeal mandatory sentencing laws for drug-related offenses;
- HB 385, to establish a program to address discriminatory practices in the juvenile justice system;
- HB 386, to remove differential sentencing for crimes involving crack cocaine and cocaine;
- HB 387, to require a sentencing judge to declare in court the cost of a confinement;
- HB 388, to provide a moratorium on executions until the completion of a current State-supported study of the death penalty;
- HB 390, to remove a time limit for the State to prosecute criminal malfeasance, misfeasance, or nonfeasance in office; and
- HB 400, to give the Parole Commission, rather than the Governor, the authority to parole a prisoner serving a life sentence with the possibility of parole.

Other bills include SB 231, which would establish the crime of negligent homicide if a driver kills someone because of the negligent operation of a motor vehicle. The penalty would be up to 5 years in jail and a \$5,000 fine. At present, the driver could be charged with a traffic violation or involuntary manslaughter, which requires a finding of gross negligence. Negligent homicide requires only a negligent act in committing the homicide.

SB 336/HB 67 would require a mandatory one-year sentence for a person convicted of assaulting a police or parole officer, with a maximum sentence of 25 years. HB 235 would do the same thing, but would not allow a judge to suspend the one-year mandatory sentence.

Under current Maryland law, it is illegal to use "regulated firearms", including handguns and assault weapons, or antique guns in the commission of a crime. HB 245 would extend the law to include long-barreled weapons, short-barreled rifles and shotguns, and machine guns.

SB 99 would prohibit anyone over 16 from wearing a mask, hood, or other device to conceal identity, with exemptions for a number of purposes including holiday celebrations and religious, employment, or medical reasons. A violation would be a felony with a maximum penalty of 5 years in jail and a \$2,500 fine.

Economic Matters/Consumer Affairs

Consideration of the Maryland Uniform Computer Information Transactions Act or "UCITA" (SB 142/HB 19) drew a large crowd to a joint Senate and House committee hearing this week. The bills were drafted by the National Conference of Commissioners on Uniform State Laws, a nonpartisan organization that develops uniform acts and model laws in areas where uniformity among the states is desirable. UCITA would regulate computer information agreements and provide guidelines for electronic commerce transactions on the premise that continuing growth in e-commerce will be impeded by the differences in commercial laws among the states. Much of the controversy surrounding the bills related to concerns about the protection of consumer rights under software licensing agreements that would be enforceable under this bill and the preemption of existing applicable consumer protection laws. Proponents of the measure argue that the bills would establish necessary standard "rules-of-the-road" and would not impinge on consumer rights. Another proposed model act was also heard by the committees but without opposition. Under the Maryland Uniform Electronic Transactions Act (SB 3/HB 18) parties that have

expressly agreed to electronic business transactions would be permitted to use electronic procedures to comply with legal requirements for writing, signatures, and retention of records.

Another measure (SB 145) that also generated controversy at a hearing this week deals with the late fees that some businesses charge their customers who do not pay their bills on time. A recent Maryland court ruling prohibited a company from charging late fees that exceed the six percent per annum rate of interest set by the Maryland Constitution, unless the General Assembly authorizes an exception. SB 145 would authorize the exception and authorize the parties to a contract to agree to the payment of a late fee when a party fails to make a payment by the due date. The bill as drafted does not set a cap on the rate nor provide for a grace period for customers, which were two concerns raised at the hearing. Late charges have been authorized by the General Assembly in various instances such as mortgages, retail credit accounts, and charges by a government or governmental agency. The bill would apply to cable TV companies, rental companies, health clubs, and a wide variety of businesses who do not fall under the already enacted laws. The House companion bill is HB 251.

Family Law

If SB 143 is successful, a couple could obtain a marriage license from the clerk of any circuit court in Maryland for a marriage to be performed in any jurisdiction in the State. Currently a license must be issued by the clerk of the court for the county where the ceremony will be held.

Fiscal Matters

The House has had hearings on the income tax reduction bill (HB 12) and the inheritance reduction/repeal bills (HB 13, 54, and 130). Also heard by a committee were bills that provide exemptions from sales tax for certain clothing for one week this year (SB 103 /HB 170). Consideration of a sales tax exemption for clothing or footwear priced under \$75 (SB 221) is scheduled for a hearing next week. The companion bill is HB 378.

Health

Among the many bills this session that address health needs and health care concerns, the Children's Environmental Health and Protection Rights Act would establish an advisory council to study and propose regulations regarding the dangers that children face from exposure to various environmental hazards, including lead paint (HB 313). Under HB 325, nursing homes which are found to have deficiencies following inspections would face sanctions and monetary fines by the Secretary of Health and Mental Hygiene. The fines will be used to assist the patients at homes with deficiencies, as well as for grants and programs to improve the quality of care in general. SB 29/HB 82 would require that all new and existing alcohol and drug prevention, treatment, and rehabilitation centers be coordinated with and integrated into a broad plan for comprehensive community health services. A new or expanding program may not be approved unless the program demonstrates the need for local services and gives notice of its application to, and provides an opportunity to meet with, local officials and community associations within in a one-mile radius of the program's location or proposed location. HB 308, to legalize marijuana for medical use, would extend protection to patients who may acquire, possess, grow, or transport marijuana, or drug paraphernalia that is used to administer marijuana, to physicians who make authorizations and recommendations for the medical usage of marijuana, and to primary caregivers who have the responsibility of managing the care of the patient.

Insurance

Several of the House leadership bills are scheduled for hearings next week. Health Insurance for All Marylanders (HB 3) would expand insurance coverage for the working poor and uninsurable individuals at a partially subsidized rate based on income and other factors. HB 5 addresses the utilization of health insurance carriers' contracts with intermediary health care providers and the responsibility of health insurers and health maintenance organizations. HB 6 would require parity of benefits for children born with disabilities, if those benefits are available for disabilities occurring after birth.

Transportation

SB 14 would reduce the registration fee of motor vehicles to \$10 a year for senior citizens who are at least 65 years old. SB 244/[HB 310](#) would establish tax credits for employers who provide cash in lieu of what an employer or employee would pay for parking, as well as establish a guaranteed ride home program to provide immediate transportation for employees who become ill or have a personal emergency.

HB127/SB152 would limit the number of passengers under the age of 21 to two in a motor vehicle driven by a provisional license holder under the age of 18. The bills would also require each occupant in the vehicle, whether in the front or back seats, to be restrained by a seat belt or child safety seat. HB 125 would institute the same restrictions but allow more than two passengers under the age of 21, if the passengers are family members.

Utilities

A proposal to require the Public Service Commission to establish both new charging rates and expanded local calling areas for telephone service has been introduced. HB 56 would restructure State telephone boundaries by putting more geographic areas into one metropolitan region which would mean cheaper telephone bills for some State residents. For example, it is considered long distance to call Baltimore from Annapolis. Under this measure, Baltimore and Annapolis would be in the same area and therefore the call would be considered local. Any change of this kind would involve coordinating the public service commissions of Maryland, Virginia and Washington, D.C., as well as the Federal Communications Commission.