

John Giannetti MCDAA_FWA_SB889

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Position: FAV

Maryland Criminal Defense Attorney's Association



MD Senate – Judicial Proceedings Committee

March 4, 2020 1pm

Hearing on SB 889

“Adjudicatory Hearings - Attorney Security Passes”

MCDAA POSITION: SUPPORT W/AMENDMENTS

Brief bill explanation: An “attorney security pass” is a photo identification card issued by MSBA with the aid of a sheriff’s office or other law enforcement agency that authorizes an attorney in good standing to enter a State court facility without screening by security.

MSBA may manage and administer a program for the issuance of attorney security passes, including by (1) communicating to attorneys criteria and procedures for obtaining a pass and (2) collecting fees directly related to the management and administration of the program. The Secretary of General Services, in consultation with MSBA, must adopt regulations providing for the acceptance of attorney security passes at each State facility under the jurisdiction of the Department of General Services that houses a unit of State government responsible for conducting administrative hearings.

Amendment: Our support includes adoption of the Amendment submitted in writing by MSBA giving the discretion to grant or deny admission to any attorney security pass holder to the Bailiff or Sheriff in each County. The Sheriff’s office concerns and the issues raised by the Circuit Court and District Court judges can be incorporated into the policy after passage.

For additional information or questions regarding this legislation, please contact MCDAA legislative chair: Andrew Jezic, 301.742.7470 avjezic@aol.com or our Government Relations Contacts: Alan Drew 240.856.2607 da4617@gmail.com and John Giannetti 410.300.6393, JohnGiannetti.mcdaa@gmail.com

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WEST_FAV_SB889

Uploaded by: Senator West, Senator West

Position: FAV

CHRIS WEST
Legislative District 42
Baltimore County

Judicial Proceedings Committee

Vice Chair, Baltimore County
Senate Delegation



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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March 4, 2020

Senate Judicial Proceedings Committee
The Honorable William C. Smith
2 East Miller Senate Building
Annapolis, Maryland 21401-1991

RE: SB 889 – Adjudicatory Hearings – Attorney Security Passes for Attorneys in Good Standing

Dear Chairman Smith and Members of the Committee:

I am pleased to introduce Senate Bill 889 which will establish a workgroup to study the issuance of attorney security passes for State court facilities for attorneys in good standing with the courts.

The draft of this bill at your desks requires the Administrative Office of the Courts, in consultation with the Maryland State Bar Association, to implement a system which offers security passes for attorneys in order to help them bypass the initial security screening at courthouses around the state of Maryland.

Due to objection by the Maryland Judiciary at the House hearing on the cross-filed bill, I have decided to turn this legislation into a workgroup to study the possibilities of issuing security passes to attorneys in good standing. I believe that it certainly should be possible to craft a uniform statewide system of security passes. My hope is to bring the parties together over the summer to craft a consensus bill for next year.

I ask the committee for a favorable report.

WESTAMENDMENT_FAV_SB889

Uploaded by: Senator West, Senator West

Position: FAV



SB0889/773029/1

AMENDMENTS
 PREPARED
 BY THE
 DEPT. OF LEGISLATIVE
 SERVICES
Young
 03 MAR 20
 18:32:28

BY: Senator West
 (To be offered in the Judicial Proceedings Committee)

AMENDMENTS TO SENATE BILL 889
 (First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3, and substitute "Workgroup to Study Attorney Security Passes for Attorneys in Good Standing"; strike beginning with "requiring" in line 4 down through "passes" in line 13 and substitute "establishing the Workgroup to Study Attorney Security Passes for Attorneys in Good Standing; providing for the composition, chair, and staffing of the Workgroup; prohibiting a member of the Workgroup from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Workgroup to study and make recommendations regarding security passes to access State courts for attorneys in good standing with the Maryland State Bar Association; requiring the Workgroup to report its findings and recommendations to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Workgroup to Study Attorney Security Passes for Attorneys in Good Standing"; and strike in their entirety lines 14 through 23, inclusive.

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 24 on page 1 through line 13 on page 3, inclusive, and substitute:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) There is a Workgroup to Study Attorney Security Passes for Attorneys in Good Standing.

(b) The Workgroup consists of the following members:

(Over)

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) one member of the Judiciary, appointed by the Chief Judge of the Court of Appeals;

(4) one representative of the Administrative Office of the Courts, appointed by the Chief Judge of the Court of Appeals;

(5) two representatives of the Maryland State Bar Association (MSBA), designated by the Executive Director of MSBA;

(6) one representative of the Maryland Association for Justice (MAJ), designated by the President of MAJ;

(7) one representative of the Maryland Criminal Defense Attorneys' Association, designated by the President of the Association; and

(8) one representative of the Women's Law Center of Maryland, designated by the Executive Director of the Center.

(c) The President of the Senate and the Speaker of the House shall jointly designate the chair of the Workgroup.

(d) The Administrative Office of the Courts shall provide staff for the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Workgroup shall:

(1) examine arrangements to provide attorneys in good standing with security passes for admittance to the District Court, circuit courts, and appellate courts of the State; and

(2) make recommendations regarding the adoption of a single, unified security pass to enable attorneys in good standing with the Maryland State Bar Association to access each court facility in the State without the need for a full security screening each time.

(g) On or before December 1, 2020, the Workgroup shall report its recommendations to the General Assembly in accordance with § 2-1257 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020. It shall remain effective for a period of 1 year and, at the end of June 30, 2021, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”

WLCMD_FAV_SB889

Uploaded by: Siri, Michelle

Position: FAV

BILL NO: Senate Bill 889
TITLE: Adjudicatory Hearings - Attorney Security Passes for Attorneys in Good Standing
COMMITTEE: Judicial Proceedings
HEARING DATE: March 4, 2020
POSITION: **SUPPORT**

Senate Bill 889 would requires the judiciary to design and implement a system of attorney identification for entering the courthouses around the state. The Women's Law Center supports Senate Bill 889 because our staff attorneys go to a variety of courthouses, sometimes in a single day, and should be afforded the status as officers of the court of being able to avoid the security checks required by many courthouses.

For decades, the Maryland State Bar Association (MSBA) has provided the opportunity for barred lawyers to apply for an identification card issued by the MSBA. Until recent years, this ID card allowed lawyers to by-pass the sometimes long security lines for people entering courthouses. Slowly, many of the different courthouses and jurisdictions removed this privilege and now many require lawyers to stand in line to wait to go through metal detectors and otherwise be screened for security purposes. SB 889 simply seeks to create a uniform process so that lawyers, who often are being paid by the hour, and often have multiple hearings in the same or different courthouses, are able to by-pass this tedious security process. As lawyers, we are officers the court and should be able to get into courthouses expeditiously.

Therefore, the Women's Law Center of Maryland, Inc. urges a favorable report on Senate Bill 889.

The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change. The Women's Law Center operates two hotlines, Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County and the Multi-Ethnic Domestic Violence Project.

MDJudiciary_UNF_SB889

Uploaded by: Jones, Tyler

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 889
Adjudicatory Hearings – Attorney Security Passes for Attorneys in
Good Standing
DATE: February 12, 2020
(3/4)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 889. This bill would provide that the Maryland State Bar Association (MSBA) can issue a non-government identification to an attorney with the purpose of bypassing security screening at Maryland Judiciary courthouses.

Currently, administrative judges, in consultation with the local sheriffs or bailiffs, issue Administrative Orders that detail security plans for each courthouse, including the screening process for each courthouse. These plans are created at the local level as each courthouse has unique security concerns, including varied entrance and screening areas, varying tenants that may lease space in the courthouse and various hours of operation. This bill would make these orders obsolete, therefore taking the authority away from the Judiciary to govern the security of courthouses. Allowing individuals, even attorneys, to bypass security compromises the safety of judges, judicial staff and visitors, including these very same attorneys.

In addition, some courthouses currently employ 100% screening either every day or on random days; 100% screening is a best practice recommended by the National Center for State Courts. This bill would permit an attorney with an identification card to bypass this 100% screening. An attorney may use this identification to bypass security despite coming to court for personal matters, i.e. participating in their own contested divorce or custody matter. Even if on professional business, the use of the identification card and the bypassing of security could result in an attorney bringing a gun into a state facility which is prohibited by law regardless of a carry permit.

Further, there is no way for courthouse security to determine if an attorney has been suspended or disbarred. There is no way for the MSBA to recover the identification to

prevent its misuse if the card holder has been subject to disciplinary action. There is no penalty for fraudulent use or misuse of the card.

As stated previously, this bill is detrimental to the safety and security of the court, courthouse employees, the public and attorneys and reduces the authority of the administrative judges to regulate their courthouses.

cc. Hon. Chris West
Judicial Council
Legislative Committee
Kelley O'Connor