

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** House Health and Government Operations Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 997  
Equal Protection for Unborn Human Life Act  
**DATE:** February 10, 2021  
(3/19)  
**POSITION:** Oppose

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The Maryland Judiciary opposes House Bill 997. The bill creates Title 2A-101 which defines the terms “abortion” as the killing of an unborn human being and “unborn human being” as beginning at the moment of fertilization; Title 2A-102 which recognizes the right of the unborn as entitled to the same protection as any other human being superseding any federal action; and Title 2A-103 which subjects those who provide an abortion or intentionally destroy an unborn human being to prosecution for murder or manslaughter.

At Criminal Law Article, § 2A-102(b)(2) the bill declares “null and void” any “federal regulation, executive order, or court decision that purports to supersede, stay, or overrule the provisions” in the bill. That conflicts with established principles of separation of powers between the federal and State governments. The bill, therefore, improperly directs Maryland State courts to treat as null and void certain binding federal law, including case law.

cc. Hon. Ric Metzgar  
Judicial Council  
Legislative Committee  
Kelley O’Connor