

## 2008 PJC Legislative Report



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## Why Do We Lobby?

Being poor in America is usually described in terms of hardship, lack of resources, and denied opportunity. All true, and all contribute to one very salient fact of being poor: not having a voice, or at least not being heard by the powers that control their fate. Poor people, along with small businesses and taxpayers, are often enmeshed in bureaucracies that seem to offer help yet too often perpetuate the problem: the child welfare and educational systems that should protect yet too often ignore the most vulnerable; the underfunded Medicaid health system that promises basic medical and dental care but from which physicians and dentists run; the tangle of laws and agencies that are supposed to protect the renter and the worker but often result in their being homeless and unemployed.

Confronting injustice on behalf of poor people means being able to make the voice of the people heard in the courts, the agencies, and very importantly, in the halls and hearing rooms of Annapolis. When you want to change an unjust law, you must talk to the law maker. Legislative advocacy is a key strategy of the Public Justice Center, and of the many advocates with whom we share clients, a mission, and our shared zeal.

Please take a minute to review the Public Justice Center's annual report on the 2008 Maryland General Assembly Session. It highlights the work of the PJC in Annapolis this past session, our allies, our issues, our wins and losses. Most importantly, it highlights the needs and visions of our clients, with a plea to legislators to listen to all of their constituents.

A handwritten signature in black ink, appearing to read "John Nethercut". The signature is stylized and cursive.

John Nethercut  
Executive Director



**Dear PJC Family, Friends and Supporters:**

I am pleased to present the Public Justice Center's annual report on the 2008 Maryland General Assembly Session. While it would be difficult to create a document that comprehensively details all the actions and activities of the PJC's staff and allies during this session in Annapolis, it is my hope that this report will give interested observers some insight and just a bit of analysis. This was my first session as the Policy Director for the PJC, and I am very thankful to work with such a dedicated and talented group of people. I am continually amazed at the level of expertise the relatively small staff of the PJC is able to bring to bear on such a vast array of issue areas time and time again. There is no better testament to their work than PJC's continuing record of success on matters before the General Assembly.

I share several overarching observations that you will see reflected again and again in our specific issue area reports:

**COALITIONS ARE CRITICAL**

Given our relatively small staff, it has become essential to often work with other organizations on issues of mutual concern. This year, as in the past, we partnered with great organizations like CASA de Maryland as they take the lead on the immigration docket and the Coalition to Protect Maryland's Children as they carefully monitor legislation which impacts some of our most vulnerable residents. Likewise, we played leading roles in strong coalitions such as the Rental Housing Coalition and Medicaid Matters! Maryland. Coalition work has been and continues to be a critical part of PJC's recipe for success in Annapolis.

**THE PERSONAL IS POLITICAL**

Advocates, legislators and people in general are moved to action when they understand the effects of injustice on real people. Individual "stories" – sadly not fictional at all – make the link between dry policy arguments and a drive for change. This session we saw legislators respond to the tragic case of Deamonte Driver, a young Prince George's County boy who left us far too soon for lack of dental care, and the moving and poignant testimony before the Maryland Senate of a single Baltimore City mother who was facing the impending threat of a retaliatory eviction. Stories do indeed matter. While our tenant retaliation bill fell short by one vote in committee, we were instrumental in securing money for more dental clinics and higher reimbursement rates for dentists throughout the State (read more about both inside).

**MONEY DOES INDEED MATTER**

Some of our most disappointing defeats came as the Maryland budgetary picture continued to darken throughout the Session. From our failure to win Medicaid coverage for newly emancipated foster kids to our failure to pass the DREAM Act (which would extend instate tuition benefits to All Maryland's residents), we found that anything that was seen to impact Maryland's bottom line had a very tough time surviving the legislative process. This is not to say that we will not continue pushing to strengthen Maryland's social safety net in good times and in bad, it only means that we must push that much harder.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Jason McLaurin".

Mark Jason McLaurin  
Director of Public Policy



## Childrens' Portfolio Overview

Active on 15 bills

PJC supported 12 (7 passed both Houses)

PJC opposed 3 (0 made it to the Governor's desk)

The Public Justice Center had a vibrant children's portfolio this session, working actively with the Coalition to Protect Maryland's Children. The pooled resources and information sharing made us able to respond to a range of issues critical to our constituency. Most of our failures can be directly traced to the difficult budgetary year that this was in Annapolis and legislators' determined reluctance to expend any new resources even when to do so represented nothing short of failing Maryland's obligation to its most vulnerable citizens. The PJC remains determined to be a forceful reminder in Annapolis that difficult fiscal times only worsen the plight of poor people in Maryland and that it is especially in such times, that a responsible social safety net must be maintained.

We successfully argued against what we considered to be three bad ideas, including the legislative attempt to roll back the State's historical relationship with the Child Welfare League of America, and its customary arbiter of what constitutes adequate case worker to child coverage ratios throughout the State. In addition, PJC supplied supportive testimony on relevant sections of the Department of Human Resources' requested budget allocation to the appropriations committees considering those questions.

## Childrens' Portfolio

Senate Bill 77/HB 169

### **Informal Kinship Education**

Lead Sponsors: Sen. Kelley (D-Baltimore Co.), Del. Jones (D-Baltimore Co.)

PJC Position: SUPPORT with Testimony

Legislative Disposition: SIGNED INTO LAW

This piece of legislation requires County school superintendents to recognize the rights of a child residing in kinship care to attend school where that home is located, even if the child's parents have not surrendered custody. This important bill requires that local school districts honor the often difficult choices families must make in cases of serious hardship.

SB 241/HB 400

### **Child Welfare— Reports of Children at Substantial Risk**

Lead Sponsors: Sen. Kelley (D-Baltimore Co.), Del. Dumas (D-Montgomery Co.)

PJC Position: SUPPORT through Coalition to Protect Maryland's Children

Legislative Disposition: Bill was given unfavorable report by House Judiciary. Companion bill was not voted on by Senate Committee.

This legislation would have required professionals to notify authorities if it comes to their attention that a child is being placed at risk of abuse or neglect because the child's caretaker is allowing them to have regular contact with persons who are either registered offenders or who were convicted in Maryland (or other States) of offenses against children. The PJC supported this bill as yet another tool for protecting Maryland's most vulnerable children. Amidst complaints from local jurisdictions (namely Baltimore City) about the exorbitant amount of additional resources they would have to spend in investigations resulting from this legislation, the bill was killed in committee.

SB243/HB965

### **Child Abuse and Neglect— Additional Professions**

Lead Sponsors: Sen. Kelley (D-Baltimore Co.), Del. Anderson (D-Baltimore City)

PJC Position: SUPPORT through CPMC

Legislative Disposition: Bill was amended and passed out of Senate, but its companion bill in the House was withdrawn without being acted upon.

This bill would have extended the mandatory reporting of child abuse and neglect findings/suspensions to coroners, medical examiners and parole and probation officers and, most controversially, added a criminal sanction for not reporting. 42 other states have a sanction for non-reporting. PJC supported this bill as a way to increase protections for Maryland's most vulnerable children.

SB90/HB 57

### **CINA Statute Amendments**

Lead Sponsors: Sen. Frosh (D-Montgomery Co.), Del. Vallario (D-Prince Georges Co.)

PJC Position: Support through CPMC

Legislative Disposition: This Bill passed both the Senate and House of Delegates and is awaiting the Governor's signature.

This bill, offered on behalf of the Maryland Judicial Conference, would move Maryland into compliance with federal guidelines by, among other provisions, extending from 7 to 10 days the notice requirement for interested parties before a placement hearing is held and requiring a Juvenile Court judge or master to see every foster child at least once every calendar year. The PJC supported this bill as a responsible recognition of Maryland's obligations to ensuring the safety of children in state supervised care.

SB 632

**Identification of Infants at Risk**

Lead Sponsors: Sen. Jacobs (R-Harford Co.)  
 PJC Position: SUPPORT with Amendments through CPMC  
 Legislative Disposition: Passed Senate, Failed to be acted upon in House of Delegates.

This bill would have required the Maryland Department of Human Resources to disclose to the Maryland Department of Health and Mental Hygiene when another child is born to a parent whose parental rights to a previous child have been terminated, in order to identify the new child as 'at risk' and trigger an investigation by the local Department of Social Services to determine and verify the safety of the new born child. The PJC, while mindful of the problems with how long this should stay in effect after the initial termination and the disproportionate impact of this bill on mothers as opposed to fathers, supported this bill as an appropriately aggressive strategy to identify children at heightened risk for abuse and/or neglect.

HB 1406

**Foster Kids Coverage Act**

Lead Sponsors: Del. Mizeur (D- Montgomery Co.)  
 PJC Position: SUPPORT with testimony  
 Legislative Disposition: Withdrawn by Sponsor in House of Delegates.

This bill would have required the Maryland Medical Assistance Program (Medicaid) to cover independent former foster care youth between 18-21 who are at or below 200% of federal poverty guidelines. (Federal financial participation is available to help cover these Medicaid costs.) PJC supported this bill as reasonable expansion to cover young persons often ineligible for other forms of assistance, yet still in need of medical coverage. Amidst the increasingly worsening Maryland budgetary picture, however, Del. Mizeur chose to withdraw her bill.

SB 667/HB 948

**Foster Parents—Insurance Eligibility**

Lead Sponsors: Sen. Colburn (R-Caroline Co.), Del. Haddaway (R- Caroline Co.)  
 PJC Position: SUPPORT with testimony  
 Legislative Disposition: Withdrawn by Sponsor in Senate.

This bill would have extended an invitation to participating parents in the Maryland foster care system to enroll in the State Employees health care plan with an identical subsidy to the one state employees currently receive. The PJC supported this legislation as a responsible way to help ensure the security of Maryland's foster families by ensuring its parents have access to affordable health insurance. Amidst the bleak Maryland fiscal outlook, however, Senator Colburn chose to withdraw his bill and Del. Haddaway followed suit.

HB 593

**Juvenile Justice Permanency Planning**

Lead Sponsors: State Department of Juvenile Services  
 PJC Position: OPPOSE with testimony  
 Legislative Disposition: Bill given Unfavorable report in House Judiciary Committee.

This bill was offered by the State Department of Juvenile Services and sought to cure deficiencies in Maryland's permanency planning process by simply overlaying language from procedures that govern children in need of assistance proceedings. The PJC opposed this bill as it did not take into account the many ways in which the two proceedings are different. While urging defeat, the PJC suggested a more thoughtful, comprehensive planning process to ensure regulations that truly protected Maryland's most vulnerable children.

HB 910

**CINA—Medical Records**

Lead Sponsor: Del. Reznik (D-Montgomery Co.)

PJC Position: Support through CPMC

Legislative Disposition: BILL SIGNED INTO LAW

This bill would shorten from 30 to 10 days the period of time in which any party to a child in need of assistance petition has to object to the release of medical records that the proceedings may make relevant. The PJC supported this bill as an appropriate recognition of both the need for rights of parties to be respected and the interest the subject of CINA petitions have in having their placement determined as soon as possible with all relevant information considered in making that placement.

HB 527

**Task Force—Health and Social Services**

Lead Sponsors: Del. Reznik (D-Montgomery Co.)

PJC Position: SUPPORT though CPMC

Legislative Disposition: SIGNED INTO LAW

This bill would require the creation of a task force to study the ways in which the State of Maryland goes about the procurement of Health and Social Services for its citizens and requires the Task Force to recommend to the legislature ways in which this system can be improved. The PJC supported this piece of legislation as an important first step in determining ways to strengthen the State's ability to provide critical social safety net services to its citizens.

SB 782

**Certification of Need for Group Homes**

Lead Sponsor: Sen. Zirkin (D-Baltimore Co.)

PJC Position: SUPPORT though CPMC

Legislative Disposition: SIGNED INTO LAW

This bill would require that prior to a group home being placed in any jurisdiction, that the Secretary of the licensing agency first certify that there exists a need for such a facility. The PJC supported this legislation as a responsible way to ensure proper planning for group homes for youth.

SB 783

**Certification of Group Home Workers**

Lead Sponsor: Sen. Zirkin (D-Baltimore Co.)

PJC Position: SUPPORT through CPMC

Legislative Disposition: SIGNED INTO LAW

This legislation would seek to further professionalize and clearly delineate the tasks of workers employed to staff residential group home facilities. The PJC supported this bill as an appropriate measure to bring further professionalism to the ranks of workers in these homes and more clarity as to which tasks can be performed by these workers.

SB 742

**Group Home Bill of Rights**

Lead Sponsor: Sen. Zirkin (D-Baltimore Co.)

PJC Position: SUPPORT though CPMC

Legislative Disposition: SIGNED INTO LAW

This legislation would require that all licensed group homes with contracts with the State of Maryland prominently display and distribute to youth a residents' bill of rights in the home so that residents are able to easily access information about rights they have as residents of the home. The PJC supported this legislation as an important tool to ensure that group home residents are made aware of rights they are legally entitled to.

## Health Portfolio Overview



Some of the most difficult, poignant and successful work we completed this session sought to improve Maryland's response to the dental needs of poor Maryland children. Staff Attorney Laurie Norris represented Alyce Driver, a homeless Prince Georges' County mother who was desperately seeking dental care for her children. Hauntingly, help did not arrive in time for her 12 year old son, Deamonte, and he died on February 25, 2007 as a result of a brain infection brought on by dental disease. Encouraged by his mom, the PJC immediately jumped into the fight to ensure that Deamonte's death would not be in vain. We worked tirelessly to remind legislators through the telling and retelling of Deamonte's story and of the real life consequences of governmental indifference and neglect. Fueled by his story and his mother's continuing courage, we pursued a multi-tiered strategy to try to ensure that tragedies like Deamonte's never happen in Maryland again. The PJC took a leadership role on the Dental Action Committee created by Department of Health and Mental Hygiene Secretary John Colmers. We were instrumental in the creation of a series of recommendations, all of which were accepted by the Secretary and the Governor. Three of them were acted upon by the legislature this year, including:

- Bringing together dentists and dental hygienists to reach a historic compromise that would allow dental hygienists to provide preventive care to children in public health settings without having to consult a dentist, and therefore to increase the accessible pool of dental care to Maryland's poor kids
- Joining with our allies from Advocates for Children and Youth and the University of Maryland Dental School to include \$7 million new dollars in this year's budget to begin to move Maryland's Medicaid dental reimbursement rates to the median for this region of the country. This is the first installment in the Governor's commitment to complete the raises over three years.
- Taking part in the leadership of the successful campaign to secure nearly \$2 million new dollars in dedicated and secured funding to expand dental capacity around the State at health departments and federally qualified health centers. This was an extraordinary effort and achievement given the difficult budgetary picture. The effort to keep the pressure on included many lobby visits and Dental Action Day, where Congressman Elijah Cummings (D-MD) eloquently called by Maryland to meet its obligations to its children.

In addition, we worked to make sure that Deamonte's cautionary tale was told again and again: we testified at Congressional hearings in Washington, D.C., sounded the alarm in the *Washington Post* and numerous other national and international media outlets; and spoke at numerous forums, including the National Dental Association's Annual conference and the Maryland Association of School based healthcare's lobby day. Attorney Norris has also been asked to provide trainings for the Maryland Legal AID Bureau and lectured at the University of Maryland's School of Social work. Her efforts were recognized when she was named 2008 Public Citizen of the Year for 2008 by the National Association of Social Worker's Maryland Chapter.



## Housing Portfolio Overview

The Public Justice Center's Housing Portfolio this session involved the narrow defeat of our bill to protect Maryland's tenants from retaliation, but also the welcome victory of an overhaul of parts of Maryland's foreclosure laws that have gained the spotlight as of late. The Stop Retaliation Bill was the centerpiece of the PJC and the Rental Housing Coalition's legislative agenda this year. In spite of an excellent panel of witnesses, dedicated sponsors, and intensive efforts in lobbying and educating legislators by Executive Director John Nethercut, Paralegal Levern Blackmon and Policy Director Mark McLaurin, we lost a vote in the Senate Judicial Proceedings Committee by one vote, and the bill was then withdrawn on the House side as well. On the bright side, we laid significant ground work and the legislature is more sensitive to the problems posed by Maryland's radically regressive tenant retaliation law than we found it.

One of our crowning victories came in supporting a variety of bills that were rapidly put together to address the foreclosure crisis happening in Maryland and across the country. While the PJC has not had a foreclosure practice previously, our Appellate Advocacy team recently developed expertise in tax sale foreclosures as a result of an amicus brief we filed in a tax sale case. Greg Care, Murnaghan Appellate Advocacy Fellow, and Debra Gardner, PJC Legal Director, researched, wrote testimony, testified in person, and then also played an integral role in the workgroup that crafted the careful compromise that merged with the Governor's bill and was quickly signed into law. The PJC is proud to be uniquely positioned to be both responsive to and knowledgeable of both legislative and litigation strategies for moving Maryland forward. Our work on foreclosure demonstrates how much more powerful we can be when the strategies are working in a synergistic fashion.

Senate Bill 512/House Bill 1344

**STOP Tenant Retaliation Bill**

Lead Sponsors: Sen. Jones (D-Baltimore City),  
Del. Glenn (D-Baltimore City)

PJC Position: **PJC CENTERPIECE LEGISLATION** 

Legislative Disposition: Unfavorable Report- Senate  
Judiciary Committee (5-6)

This bill served as the centerpiece of the PJC and the Rental Housing Coalition’s legislative agenda for the 2008 session. It sought to correct an anomaly in Maryland law which made it nearly impossible for tenants to successfully prove that they were being illegally retaliated against for engaging in legally protected actions such as reporting housing code violations or joining a tenant’s organization. We argued that it was past time for Maryland to move its law into agreement with the majority of the United States (and our own Montgomery County) by allowing tenants their day in court. Despite an aggressive legislative education campaign and an incredible list of witnesses (including heart-rending testimony from ACORN tenants and CASA of Maryland tenant organizers), we fell just one vote short when the time came for the vote to be called

HB 1241

**Lead Poisoning Recovery Act**

Lead Sponsors: Del. Rosenberg (D-Baltimore City)

PJC Position: SUPPORT with testimony

Legislative Disposition: Unfavorable Report in  
House Judiciary

This bill would have changed the standard of liability for negligence and product liability cases involving lead based paint poisoning in Maryland and would have established a Maryland Lead Restitution Fund to provide resources to critical prevention and lead abatement programs in Maryland. The PJC supported this legislation as a solid step towards ensuring accountability for manufacturers of paint products who irreparably damage the lives of disproportionately poor and minority Maryland children. In addition, the PJC saw the bill as a responsible step, in tight fiscal times, towards ensuring that programs which seek to educate Marylanders about the dangers of lead paint poisoning are adequately funded.

SB216/HB365

**Real Property—Recordation of Instruments**

Lead Sponsors: Governor O’ Malley (Senator Pugh)  
(D-Baltimore City)

PJC Position: SUPPORT with testimony, lobbying, and  
workgroup participation.

Legislative Disposition: SIGNED INTO LAW

This bill arose from the recommendations of the Governor’s Homeowner Preservation Task Force in response to the rash of recent foreclosures on Maryland’s homeowners. It sought to, among other things, extend the requirements for time and type of notice required before beginning foreclosure proceedings. The PJC supported this legislation even while proposing an amendment which requires personal posting of a foreclosure notice on the property as an additional safeguard and notice to both homeowner and any possible tenants living on the property. The PJC views passage of this legislation as a measured but necessary step towards protecting the rights of Maryland’s homeowners and tenants, many of whom are braving the extremely formidable combination of bad economic times and predatory lending institutions, in an attempt to stay in their homes.

SB 854/HB 1211

**Tax Sales/Redemption Payments**

Lead Sponsors: Sen. Jones (D-Baltimore City), Del.  
Oaks (D-Baltimore City)

PJC Position: Support with Lobbying

Legislative Disposition: SIGNED INTO LAW

This bill sought to, among other items, cap the amount of attorneys’ fees which are allowed to be charged to homeowners seeking to redeem the right to their property. The PJC became heavily involved and participated in the workgroup which came to a carefully crafted compromise which, while not perfect, represented a substantial step towards ensuring that all parties involved in tax sale foreclosures are treated fairly. These increased protections are of particular importance to low income Marylanders who are most often at the heart of tax sale foreclosures and least likely to be able to access competent and affordable private counsel to protect their rights.

## Housing Portfolio

SB 557/HB 589

### Lead Poisoning Prevention Act of 2008

Lead Sponsors: Sen. Gladden (D- Baltimore City),  
Del. Oaks (D-Baltimore City)

PJC Position: SUPPORT with testimony

Legislative Disposition: SIGNED INTO LAW

This bill requires application forms for licenses for home improvement to require specific lead paint certification information and would also modify the definition of lead safe housing. The legislation would also allow tenants of properties whose owners fail to comply both to be immediately released from any lease obligations, but to also receive compensation for moving expenses the tenant is forced to incur. The PJC supported this bill along with its lead sponsor, the Coalition to End Childhood Lead Poisoning, as a critical step forward towards ensuring both the safety of Maryland's housing stock and that low income Marylanders are never forced to choose between staying in an unsafe property and breaking a lease or remaining because of inability to be able to afford to move.

HB 1398/SB 535

### Foreclosure Moratorium

Lead Sponsors: Senator Muse (D-Prince Georges Co.),  
Del. Valderrama (D-Prince Georges Co.)

PJC Position: SUPPORT through testimony and  
lobbying

Legislative Disposition: Legislature took no action.

This bill would have forbidden foreclosure actions across the State of Maryland absent a showing by the lender that the action was not the result of predatory lending activities. The PJC supported both this bill and its Prince Georges Co. exclusive companion (SB 532/HB 1035) as a responsible way to ensure that predatory lending practices are given the proper scrutiny they deserve. In addition, a moratorium would have given homeowners struggling to save their homes additional time and tools as state and federal lawmakers were expected to pass additional protections and assistance to allow them to stay in their homes.

## CASE STUDY

### **Civil Marriage Bill**

The continuing battle in this year's legislative session to extend civil marriage to gay, lesbian, bisexual and transgender ("GBLT") Marylanders was an excellent example of PJC's unique place in the overall struggle for a more progressive Maryland.

Our legislative advocacy was a direct result of our Appellate Advocacy team's involvement in writing several amicus briefs in support of extending marriage to same sex couples, which was ultimately rejected by Maryland's Court of Appeals. The battle ground shifted to the legislature. We played a unique role in its providing testimony regarding the heightened importance of an oft-forgotten population in all the discussions surrounding civil marriages: LGBT Marylanders who live in poverty. We worked hard to press the case in our testimony and subsequent meetings that often times marriage related protections and benefits form an integral part of the social safety net and that the denial of these benefits has a disproportionately harmful impact on the poor.

We were also able to draw on our leadership role in the national Civil Right to Counsel Project to make the case that to the extent that a few of the aforementioned rights could be secured by private contracts between the parties, poor LGBT Marylanders have no right to counsel and are unlikely to have the resources to obtain private counsel to assist them in fashioning agreements to secure the very few rights that could/would be available through such arrangements.

While we were ultimately unsuccessful in passing civil marriage legislation this session, we educated countless legislators on the issues and specifically laid the groundwork for upcoming off session work with legislators who represent districts with large numbers of persons living at or below the poverty line, to illustrate the importance of fairness.

## Immigration



*In particular....the PJC was fundamental in working the trenches, producing the research, moving the votes.*

*Kim Propeack, Esq.  
Director, Community Organizing & Political Action  
CASA de Maryland, Inc..*

Immigration related issues were a very important part of our legislative portfolio this session. While we were able, in conjunction with the lead organization, shoot down many of the more wrong-headed and xenophobic proposals put forth, we were not able to make much progress on a progressive agenda. We found that there was much work to be done in educating legislators about the strain that would be placed on already overburdened judicial and correctional systems by legislators sponsoring needless bills designed to score points at home.

It was often the PJC who was left to point out the degree to which laws requiring lawful presence or proof of citizenship to acquire a Maryland driver's license tends to undermine rather than enhance the very national security that such legislation is ostensibly proposed to protect.

When legislators proposed such absurd ideas as granting an individual right to sue to citizens to sue governmental officials for mistakenly allowing non-citizens to vote, it was the Public Justice Center who was uniquely positioned to point out that such a law was not only impractical but would burden an already overtaxed court system.

We were heartbroken that we were not able, yet again, to pass common sense measures such as the DREAM Act, which would have granted in state tuition benefits to children who have graduated from Maryland high schools, live in Maryland, and whose parents pay taxes in Maryland. We recognize, however, that the fight to ensure that Maryland remains a place where all are welcome and entitled to equal justice and protection under its laws is an ongoing battle.

We were proud to stand with CASA of Maryland and its coalition partners in this struggle and we will continue to look for ways in which PJC can partner more closely and contribute its unique perspective to the issues surrounding immigration.

photo by Marshall Clarke

## Immigration

HB 288

### **Vehicle Laws—Proof of Legal Presence**

Lead Sponsors: Del. Aumann (R-Harford Co.)

PJC Position: OPPOSE with Testimony

Legislative Disposition: UNFAVORABLE Report

This bill would have required people applying for Maryland drivers licenses and similar identification to prove that they are either a United States citizen or that they were here “in accordance with federal law”. The PJC opposed this legislation as an unnecessary measure that would undermine rather than enhance national security.

HB 604

### **Public Benefits— Requirement of Proof of Lawful Presence**

Lead Sponsor: Del. O’Donnell (R-Calvert Co.)

PJC Position: OPPOSED with testimony

Legislative Disposition: UNFAVORABLE Report

This legislation would have required persons to prove “lawful presence” in order to receive any public benefits in the State of Maryland. The PJC opposed this legislation as unfounded because undocumented residents are not entitled to benefits under Maryland law, and to the extent federal law requires health, safety and education be provided to all residents, it was a mean spirited attempt to roll back services to communities often most in need.

HB 735

### **Counties—Prohibition of “Sanctuary Laws”**

Lead Sponsor: Del. Aumann (R-Harford Co.)

PJC Position: OPPOSE

(supported coalition in opposition)

Legislative Disposition: UNFAVORABLE report

This legislation would have required local governments to fully comply with and support federal immigration law and restricts local government employees from maintaining immigration related information. The PJC opposed this bill as an unnecessary infringement on the rights of local jurisdictions to set policy with regards to immigration issues.

HB 1074

### **DNA Sample Collection on Arrest**

Lead Sponsors: Del. Conaway (D-Wicomico Co.)

PJC Position: OPPOSE with testimony

Legislative Disposition: UNFAVORABLE

This bill would have required the collection of a DNA sample from an individual under arrest and determined to be an undocumented immigrant. The PJC opposed this legislation as an unconstitutional, unworkable and prohibitively costly scheme to demonize immigrants in the State of Maryland.

HB 1232

### **Citizens Rights Act**

Lead Sponsors: Del. McDonough (R- Baltimore Co.)

PJC Position: OPPOSE w/ testimony

Legislative Disposition: UNFAVORABLE

This legislation would have allowed for a cause of action, on an individual basis, for citizens to sue election officials who permit a non-citizen to vote. The PJC opposed this legislation as a completely impractical and needlessly punitive way to ensure that voting is restricted to eligible Marylanders.

## **Case Study – Public Information Act**

### **Maryland Public Information Act (MPIA) Legislation**

The PJC is proud to be able to respond rapidly and effectively to developing situations in both the courthouse and the statehouse. Nowhere was this proven more true than in the fight PJC led to stop legislation aimed at fundamentally changing litigants' ability to access government records through the Maryland Public Information Act. The office of Baltimore Mayor Sheila Dixon put forth a bill to restrict litigants who had cases against the City from accessing public records through the Maryland Public Information Act.

The PJC has extensive experience litigating MPIA claims against local and state governments, and although was seemingly a technical legal issue, knew that it would allow government secrecy a stronger hold. As an "administrative bill" sponsored by the Mayor, the Baltimore City delegation in Annapolis generally feels bound to support the Mayor, regardless of merit, making defeat of this bill particularly difficult.

PJC Attorney Wendy Hess led the charge, pulling together a coalition of allies including the ACLU of Maryland, the NAACP, and former Maryland Attorney General and U.S. Attorney Stephen H. Sachs. Attorney Hess alerted the media, which responded with an array of legal and editorial opposition, including the Baltimore Sun, Washington Post and Baltimore Examiner. On the day of the hearing, the bill was withdrawn in the House and sent to summer study in the Senate. The PJC will continue to closely monitor the progress (if any) this bill makes over the summer.