

NEIL C. PARROTT, P. E.

Legislative District 2A  
Washington County

ASSISTANT MINORITY WHIP

Judiciary Committee

Juvenile Law Subcommittee

Chair

Washington County House Delegation



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

Annapolis Office

The Maryland House of Delegates  
6 Bladen Street, Room 213  
Annapolis, Maryland 21401  
410-841-3636 · 301-858-3636  
800-492-7122 Ext. 3636  
Neil.Parrott@house.state.md.us

District Office

P. O. Box 32  
Funkstown, Maryland 21734  
301-660-4263 · 240-329-0293  
Fax 240-329-4658

April 14, 2015

Dear Friend,

I hope you and your family are doing well. I appreciate your interest in what is happening in Annapolis. Paying attention to what happens in state government is critical to making positive changes.

You are an important part of the mechanism that keeps government in check. This is completely necessary and as noted by our first President, George Washington, "Government is not reason, it is not eloquence, it is not force; like fire, a troublesome servant and a fearful master. Never for a moment should it be left to irresponsible action."

In that spirit, I want to let you know what happened this past year. As I sit down to write this, just last night, April 13<sup>th</sup> at midnight, the 435<sup>th</sup> session of the Maryland General Assembly came to an end. So much happened over this 90 day session, and I wanted to give you a summary of bills passed that could affect you and your family.

The following notes represent my perspective on the session. It is my hope that the notes will be informative and helpful to you. There is a lot here, so please feel free to skip to the parts that interest you the most.

Please note that the starred bills (\*) are bills that I introduced. You can learn more about those bills by visiting <http://delegateneilparrott.org/legislation/> where you can find PowerPoint presentations that provide greater detail regarding those bills. In addition, please note that the bills with a red circle around a "v" to the left of them are bills that may be considered for a veto by Governor Hogan.

It is an honor to serve you in the Maryland General Assembly. If you have any questions, or if I can be of service to you in the future, please contact me by email at [neil.parrott@house.state.md.us](mailto:neil.parrott@house.state.md.us) or by phone at my new, local number 301-660-4263.

Sincerely,

A handwritten signature in blue ink that reads "Neil C. Parrott".

Neil C. Parrott  
Maryland House of Delegates, District 2A

**IN THIS LETTER:**

**TWO TAX CUTS, THREE TAX CUT ATTEMPTS, & ONE INCREASE**

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2. *SB 743/ HB 862 – New Birth Certificates for Sex Changes - No Proof of Surgical Change Required*
3. *SB 472 – Grounds for Divorce – Changing Time Periods*

**VOTING:**

1. *SB 340/ HB 980 – Convicted Felons Voting While Still on Parole*
2. *Delegate Parrott’s Voter ID Bills*
  - a. *HB 1017 – Requiring Photo ID When You Vote\**
  - b. *HB 1076 – Requiring Proof of Citizenship When You Register to Vote\**
3. *SB 166/ HB 604 – Central Committee Appointment/ Special Election for General Assembly Vacancies*
4. *HB 409 – We shouldn’t require Election Polls to be open on Easter\**

**JUDICIAL:**

1. *HB 431 – Making it Illegal to Dump a Dead Body\**
2. *HB 244/ SB 526 – The Second Chance Act....*
3. *SB 736 – Ballistic Fingerprinting Repeal*

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**TWO TAX CUT ATTEMPTS, TWO SUCCESSES, & ONE INCREASE**

**SB 863 – Rain Tax Repeal/Modification**



After more than 80 tax, toll, and fee increases under the O’Malley administration, Governor Hogan took office with a mandate from the citizens of Maryland to bring about real tax relief. The tax that ultimately broke the camel’s back last year was the Rain Tax, making our state the laughing stock of the country by taxing the rain.

Several bills were introduced to repeal the Rain Tax, and a repeal was also part of the Governor’s Legislative Package. While the Governor’s initiative was killed in the Environment and Transportation Committee on a party-line vote, another bill came from the Senate that repeals the mandate for certain counties to impose a Rain Tax.

As a result of this bill, each county may now choose whether or not they will “tax the rain.”

**SB 592 – Military Retirement Income Tax Relief**

The Rain Tax Repeal was not the only tax relief to pass this year. The Governor also successfully passed legislation that reduced taxes on military retirement income, by increasing from \$5,000 to \$10,000 the maximum amount of retirement income that can be excluded from state income tax for retired military personnel. I cosponsored this legislation and was glad to see it pass.

### ***SB 594/ HB488 – Law Enforcement, Fire, Rescue, and EMS Personnel Income Tax Relief***

Another of Governor Hogan’s bills that I cosponsored was the “Hometown Heroes Act.” The bill would have reduced income taxes for firefighters, police, and first-responders. Unfortunately, the Democrats in the House and Senate did not support this tax cut proposal, and the bill died in committee.

### ***SB 589/ HB483 – Gas Tax Repeal of the Automatic Increases Tied to the Inflation Rate***

The Maryland General Assembly passed a Gas Tax Increase Bill in 2013 that included yearly automatic increases in the Gas Tax tied to the rate of inflation, tied to the average cost of gasoline, and special increases for the first few years of the Tax. The result of these automatic Gas Tax increases is that Maryland will have one of the highest Gas Tax rates in the nation within the next 5 years, without the Senate or House of Delegates having to take any action at all.

Governor Hogan introduced a bill to stop the automatic increases in the Gas Tax, which I gladly co-sponsored. The bill would have repealed the automatic increases in the Gas Tax, but the Democrat Leadership in both the House and the Senate stopped the bill.

### ***HB 870 – Retirees Tax Relief \****

Our retirees need a break, and this bill that I introduced would have provided a tax break for all seniors. HB 870 would have made Maryland a retirement-friendly state, by eliminating taxes on pensions and 401K type retirement accounts for all Marylanders over 65. The bill was based on the policies currently in Pennsylvania and other surrounding states.

Recently, **Forbes Magazine** ranked **Maryland the 9th worst state** in the nation for retirement, and **Virginia was ranked the 5th best**. While this tax relief did not pass this year, changes to the tax code for retirees in Maryland are greatly needed in order to help our seniors stay close to family and friends when they retire.

Without a change of this type, we will continue to see Marylanders fleeing to other states upon retirement. With this change to our tax code, Maryland could prevent people from leaving our state, and perhaps even encourage retirees from other states to come to Maryland in their retirement years.

### ***SB 190 – The Hotel Tax on Services***

This bill imposes a new tax on the service part of the hotel room rate, as charged by online retailers like Expedia.com or by travel agents.

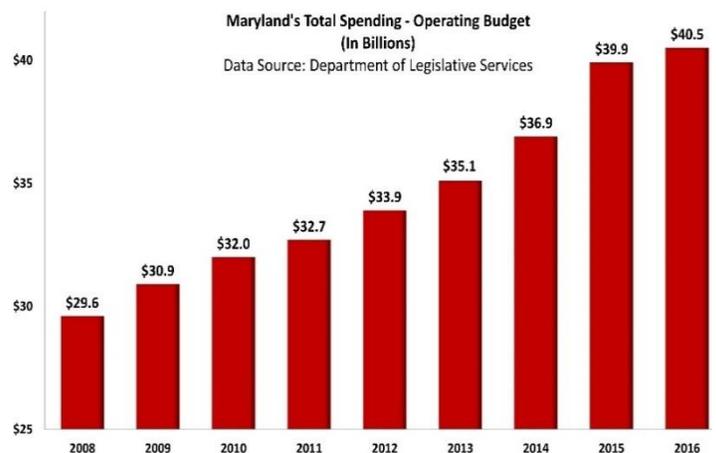
In 2008 Maryland legislators wisely decided against imposing a “Tech Tax” on computer services. Maryland has a difficult time attracting businesses to our state as a result of our low business tax-friendly ratings. One such rating by the non-partisan, non-profit Tax Foundation rates Maryland in the worst 10 states nationwide. We cannot afford to start taxing internet services in addition to the high business taxes that we already have.

This bill had bipartisan opposition, but the Democrat majority forced it through. **Unfortunately, this bill will continue to hurt businesses in Maryland**, and I am hopeful that Governor Hogan will veto this new tax. In the final vote in the House, 6 Democrats joined every Republican to try to stop the bill. If we can just get two more Democrats to vote against it or not be present, the bill’s veto could be upheld.

### ***THE BUDGETS:***

#### ***HB 70 - Operating Budget***

This year there were four different operating budgets. Governor Hogan’s initial budget, budget #1, reflected the mandate from the voters of Maryland who made it clear they wanted to end the cycle of tax increases and spending. As introduced, Governor Hogan’s budget not only controlled spending but was balanced, removed Maryland’s structural deficit in one year, protected State Employee and Teacher Pensions, and funded our local roadways. Please note that Governor Hogan’s original, first budget set the maximum amount of money that could be spent. The legislature could move money around and change mandatory spending for future years, but could not increase the



budget spending amount proposed by the Governor.

### **I fully supported that budget.**

The second budget was not Governor Larry Hogan's Budget, but a financially-unsound, distorted version of the original budget that resulted after the House Appropriations Committee significantly modified it. The changed, second version, reversed most of the positive attributes previously mentioned, and the modified budget actually spent more money than Maryland would be taking in. I was one of 10 Delegates to vote against this flawed budget. To see my interview with NBC 25 regarding my first budget vote, please visit <http://delegateneilparrott.org/>.

To highlight one of the House changes, the Appropriations Committee unnecessarily cut 50 State Police jobs and 50 jobs from Maryland's Correctional Institutions. In the future budgets, these jobs were restored.



I also voted against that second version of the budget to send a message to the State Senate that I, along with several other Delegates, was unhappy with the House changes to the Governor's budget.

That message had an effect. After the House voted on this second budget, it went to the State Senate where it was changed again by the Senate Budget and Taxation Committee, sending it back to the House in a more responsible form – the 3<sup>rd</sup> budget. After passing both the House (2<sup>nd</sup> Version) and Senate (3<sup>rd</sup> Version), the budget went to a conference committee where both houses worked to change the budget once again. I, and all Republicans were hopeful

and optimistic that this final budget would be closer to the original Hogan budget, finally bringing financial responsibility and help for local families back to Maryland.

Unfortunately, the budget produced by the conference committee, the 4<sup>th</sup> budget, was the worst budget by far. Rather than addressing the structural deficit as in the previous three budgets, it came back with the highest structural deficit creating \$200 million of debt in the next fiscal year and \$1.7 billion in debt by the year 2020. Not only that, but instead of funding teachers and state employees pensions, it continued to rob from the account and underfund the pension fund by \$75 million. In this fourth and final budget, the leading Democrats of the House and Senate turned their backs on solid negotiations and bi-partisanship, instead working to spend as much of our hard-earned money as they could on their pet projects.

The end result was a highly-partisan bill where every single House and Senate Republican member voted against the budget and every single Democrat voted for the budget. **What are the high points of the Final Version of the Budget?**

- This \$40.4 Billion Budget increases spending by just 1.5% over last year. This is, however, much better than O'Malley's average 4.37% increase in spending each year over the last 8 years. (See the bar graph, above.)
- It has the lowest rate of increase in spending since Bob Ehrlich's first term, and is the 2<sup>nd</sup> lowest increase in spending since 1968.
- The budget did not raise taxes for the first time in 8 years.

#### **My concerns with the Final Version of the Budget:**

- It spends more than it takes in.
- It reduces the state's contribution amount for the State Retirement and Teacher's Pension from \$150 million to \$75 million this year and from \$200 million to \$75 million next year. (See Pensions section below.)
- There is NO money for local roads. The Highway User Revenue funds were not returned to local governments, as Governor Hogan's original budget had originally designed.
- It keeps the automatic future funding increases for education funding, despite financial realities.
- The budget mandates additional transportation spending that could limit Governor Hogan's ability to lower tolls.

#### ***Pension Funding***

In 2011, the General Assembly changed the pension contribution formula for state employees and teachers by increasing their required pension contribution. At the same time, they pledged to contribute at least \$300 million annually until the pension fund was adequately funded. Unfortunately, through budgetary tricks over the last 3 years, the state has not funded their own pension obligations. A bill passed last year that finally reduced the required pension funding level from an unreasonable

\$300 million to an achievable \$150 million. Governor Hogan's budget solidly funded this new, reasonable amount. The House's modified version of the budget does not meet this obligation. Once again, the liberal leadership has reneged on promises made to our state employees and teachers. To me, this is not acceptable.

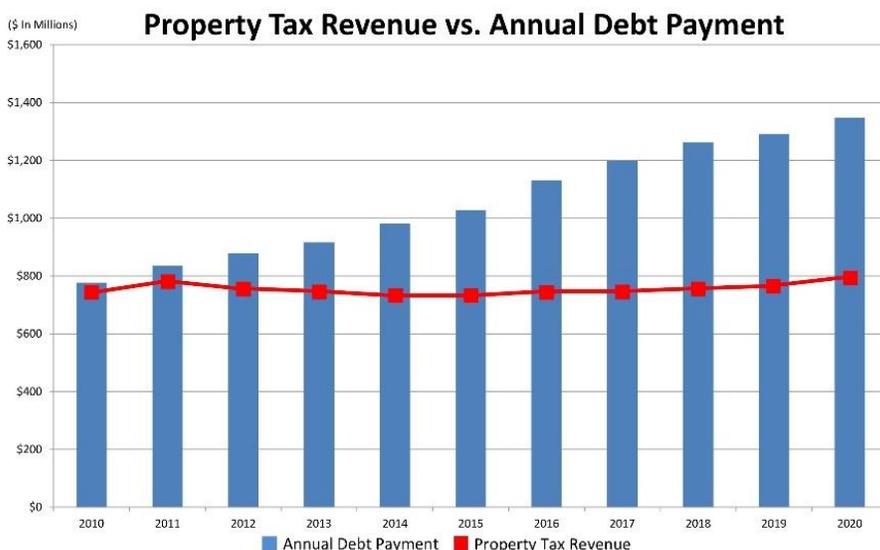
Last Wednesday during debate on the budget, Republicans proposed an amendment to fully fund this \$150 million obligation. A House Floor Vote was taken and the amendment failed; the vote fell mostly down party lines. All 50 Republicans and only 2 Democrats voted in favor this amendment to protect the pension; 87 Democrats voted in favor of not fully funding the pension obligation, effectively hurting our state employees and teachers.

- It's rare when the Washington Post and I agree on something, but they share my same concerns on the pension shift: [http://www.washingtonpost.com/opinions/a-test-of-mr-hogans-promise-to-budget-responsibly/2015/03/19/c160b90e-cdb2-11e4-8c54-ffb5ba6f2f69\\_story.html](http://www.washingtonpost.com/opinions/a-test-of-mr-hogans-promise-to-budget-responsibly/2015/03/19/c160b90e-cdb2-11e4-8c54-ffb5ba6f2f69_story.html)
- Democrat Comptroller Peter Franchot likened the move to "**pulling money out of a retirement account to pay for a trip to Disney World.**" <http://news.wypr.org/post/house-moves-forward-hogan-budget>

**HB 71 - Capital Budget (DEBT)**

Did you know that Maryland owes \$48.25 Billion in debt and that each Maryland citizen currently owes \$8,137 according to the Maryland Debt Clock? In Fiscal Year 2014 Maryland borrowed \$1.11 Billion in new debt, in Fiscal Year 2015 Maryland borrowed \$1.18 Billion, and this year the Maryland General Assembly just voted to borrow an additional \$1.045 Billion for Fiscal Year 2016, as specified in the capital budget.

While we are borrowing slightly less this year than in years past, Maryland must stop borrowing so much money. Maryland's property tax is supposed to be the primary agent used to pay for the principle and interest payment on the state debt, but the funds collected from property taxes don't come close to the yearly principle and interest payments anymore. In order for the property taxes to actually cover the cost of debt payments, Legislative Services indicated that Maryland would have to forego all new debt for the next 7-8 years, and then we should be able to pay the minimum payments. Given our history, what are the odds that the Legislature will refrain from taking on Billions of new debt each year?



Since the property tax cannot pay the debt service, each year the General Fund makes up the difference. In fiscal year 2016, Maryland is projected to receive \$740 Million from property taxes but is required to pay \$1.3 Billion in debt service. The amount depleting the General Fund to pay the debt keeps increasing, and with continued spending, it is only a matter of time until the state will have to significantly increase our property taxes.

In many ways, what we do in the Capital Budget is like using our children's credit cards. We run up debt in their names, reap the benefit of all the projects, and then we leave the responsibility of paying to future generations. This is not responsible government, and I worked and voted against this irresponsible bill.

**SB 183 – Mandated Education Spending Increases Every Year: Geographic Cost of Education Index (GCEI)**

The GCEI is determined based on the cost of living in each county. Certain counties where it's more expensive to live, the wealthier counties, receive greater education funding through GCEI. The GCEI bill was based on data from 2003 and ignores updated data from 2009. Eleven Maryland Counties do not get anything through the GCEI based on the old data, including Washington County.

This year, the Democrats in the House and Senate voted to force the Governor to fully fund the GCEI, a total cost of \$136 million, beginning with this fiscal year. In Governor Hogan's original budget, he had agreed to fund 50% of the GCEI and had included an all-time high spending for education in the state.

In the past, neither Governor Ehrlich nor Governor O'Malley fully funded the GCEI based on the economic realities of those budget years. Even so, the current bill does not allow an exemption for fiscal emergencies, such as not having the funds to pay for calculated increases. The House approved the mandated GCEI payments on an 88-51 vote, and the Senate passed the bill on 32-15 vote. Each chamber passed the bill with only 3 more votes than are needed to override a veto.

## TRANSPORTATION:

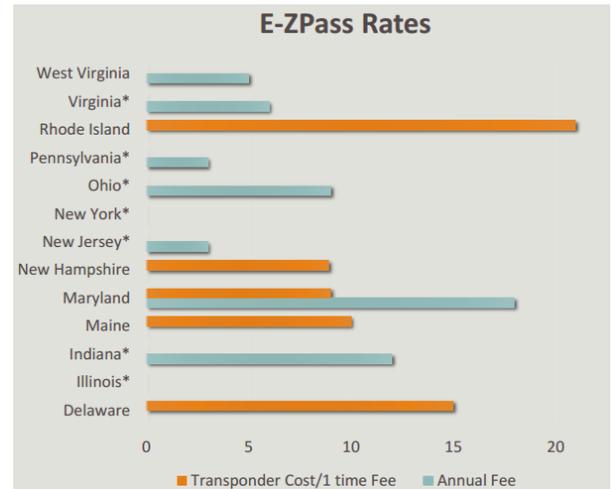
### **HB 408 – Removing the Monthly E-ZPass Fee**

If you have an *E-ZPass* in Maryland, which is very helpful when driving on the Inter-County Connector (ICC) or when crossing the Bay Bridge, and you use it less than 3 times in a month, the State will charge you \$1.50 per month. That's \$1.50 every month, or \$18 every year.

However, if you purchase your pass in Massachusetts or Delaware, those states will not charge you to "not use" your *E-ZPass*. Even if you live in Maryland, you can buy your *E-ZPass* from any other state in the network where you could possibly get a better price.

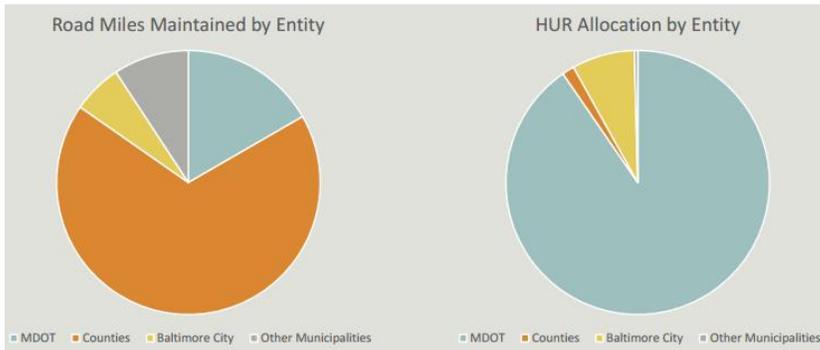
I introduced a bill that would prevent Maryland *E-ZPass* from charging a monthly fee in an effort to encourage Marylanders to be able to benefit from an *E-ZPass*, even if they would not be heavy users of the program.

This change would help decrease traffic congestion and back-ups at tolling locations by encouraging more people to have an *E-ZPass* and would allow more motorists to use the all-electronic tolled ICC. While both Democrats and Republicans supported the concept in the committee, the bill did not pass this year.



### **HB 837 – Returning Highway User Revenue to Our Local Governments by Constitutional Amendment**

Every Maryland County and Municipality is being cheated out of their "Gas Tax" money. For over 60 years, Maryland used a formula to return gas tax money to local governments. In 2010, **90% of this money was suddenly redirected to the state rather than to local counties and municipalities.** As you can see in the graph on the left, the counties (orange) maintain the vast majority of the roads, yet the state (blue) is receiving the lion-share of the money for roads.



Now our local governments are left without funds to repair damaged roads. The bill I introduced would restore 100% of this funding so that our counties can properly maintain the roads you drive every day.

Local governments need this funding restored to be able to properly maintain their roads, but instead, they're getting further and further behind without the resources to catch up. Like an asphalt driveway that needs to be resealed on a regular basis, roads need regular maintenance to have the most cost effective return on the investment. Without regular maintenance, the roads can begin to unravel requiring a complete rebuild of the road rather than a relatively easy resurfacing project.

HB 837 would return funding levels to the original formula and create a constitutional amendment to protect the funding and keep future governors from raiding the funds again. Makes sense, right? Unfortunately, the Democrat-controlled legislature not only stopped this bill, but stripped funding for local roadways from Governor Hogan's budget.

## SOCIAL:

### **SB 416/HB 8383 – In-Vitro Fertilization (IVF) Insurance Mandate for Homosexual Couples**

This law passed and will cause all Marylanders' health insurance rates to increase. It will force Maryland insurance companies to cover the cost of In-Vitro Fertilization (IVF) treatments (\$12,500 each time) for female same-sex wedded couples, up to \$100,000 lifetime expense per partner, so \$200,000 per couple maximum benefit.

**Under current Maryland law, a husband and wife must donate their own sperm and egg to be eligible to receive insurance benefits for IVF treatments.** If the couple requires a donation of an egg or sperm, IVF treatments would not be

covered under current Maryland law. Under the new law, a same-sex couple would need to get a sperm donor to have a child, but this option will not exist for heterosexual couples, creating an unequal situation.

Same-sex couples have been allowed to adopt or have children, but several studies confirm that children born into a family with a mother and a father do best in all measures – economic, social, educational, and emotional. Not only would this law create an unequal and less-stringent requirement for same-sex couples, but our insurance premiums would be paying to have a child born into a situation where they will statistically be worse off than other children. By passing this law, we are intentionally putting a child into a family where a father will be absent.



This sort of social engineering and fiscally-irresponsible law-making, solely for the pleasure of adults, without regard for the children that will grow up in these situations, doesn't make sense. Mandating insurance companies to cover expensive IVF treatments for same-sex married couples creates a false sense of equality, with little to no regard for the children who will be negatively affected.

#### ***SB 743/ HB 862 – New Birth Certificates for Sex Changes - No Proof of Surgical Change Required***

This unbelievable bill passed, and it allows people to rewrite history. The new law allows someone who gets a note from their doctor saying they are transitioning from male to female or from female to male **to literally change the gender on their birth certificate.**

The new birth certificate would not even indicate that it has been "Amended," as is the case when an individual decides to legally change their name. The change would not require that the individual has actually even had a sex-change operation, but this undocumented change simply relies on hormone therapy and how the person feels at the time.

This bill caused many Legislators who work in law enforcement to question how they could even solve crimes given these false records. For example, suppose they are looking for the DNA of a male, but all they have is a female suspect. This threat to public safety and the ability for law enforcement to do their jobs is one of the reasons this bill had bipartisan opposition.

Changing factual birth records without leaving a record of the change on the birth certificate could have significant and harmful consequences for our society and is simply irresponsible policy.

#### ***SB 472 – Grounds for Divorce***

In Maryland, if a married couple wanted to get a divorce for reasons other than adultery, abandonment, cruel treatment, or criminal conviction, they would need to live apart for a year before they could finalize the process. Current law indicates that time allows for a cooling off period for reflection, counseling, and serious consideration before ending a marriage.

Unfortunately, SB 472 passed and takes away the one-year waiting period. If an agreement is reached, now couples can get a no-fault divorce without waiting even one day. In my opinion, this new instant divorce will be detrimental to children and families who may have chosen to work things out and to stay together, rather than satisfy what may be an in-the-moment decision.

This new law will result in making divorce even easier in Maryland with the effect of increasing the already high divorce rate. Advocates of no-fault divorce have historically promised legislators that the impact on children would be minimal if not beneficial, but children of divorce disproportionately suffer from such maladies as depression, compromised health, childhood sexual abuse, arrests, and addiction. This law will encourage easy divorce by not requiring any cooling off period where a married couple could attempt to reconcile their differences. I voted against this policy that harms women, children, and society at large.

## VOTING:

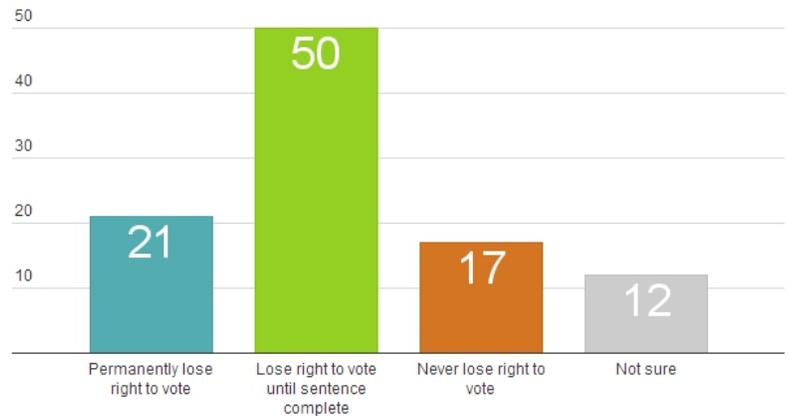
### **SB 340/ HB 980 – Convicted Felons Voting While Still Serving Parole or Probation**

Do you think that convicted felons who have not yet completed their sentence should be able to vote? This bill passed and restores voting rights to felons who are still serving parole or probation time.

Prior to this bill, under current Maryland law, convicted felons are allowed to vote after they have completed their sentence. They need to have served their time in a correctional institution and have completed any parole or probation time left. Once they have "paid back their debt to society", their citizen right to vote is restored.

In 2007, the Maryland General Assembly repealed the provision that permanently banned convicted felons from voting or registering to vote. While that bill made sense, **this new bill goes too far** and allows rapists, murderers, and the most dangerous criminals to be allowed to vote the day they start serving parole or probation. Many judges shorten prison sentences and allow felons to be out early on parole. Unfortunately, the rate of prisoners breaking parole is quite high. Despite this fact, all felons on parole or probation will now be allowed to vote.

Which of the following comes closest to your opinion about voting rights for people who have been convicted of felonies? %



Source: YouGov

### **My Voter ID Bills**



Approximately  
**24 MILLION**  
– 1 in 8 – active voter  
registrations in the U.S. are no  
longer valid or are significantly  
inaccurate.

Elections have consequences, and we need to make sure that each Maryland citizen gets one, and only one, vote. Every fraudulent vote counteracts one honest vote and restricts your voice in your government. A 2012 Pew Center study on the States found that 2 million dead Americans remain on active voting rolls across the country. The following two bills that I introduced would have helped reduce voter fraud in our state.

### **HB 1017 – Requiring Photo ID When You Vote\***

This bill would require each Maryland voter to present a current, government-issued photo ID, such as a Driver's License or a voter notification card, in order to vote. The bill provides that people without a photo ID could get one for free from the MVA. In the voting booth, those who refuse or are unable to show ID would still be allowed to vote using a provisional ballot. The ballot's validity could then be confirmed after the election.

This bill would go a long way to ensuring that those who vote are who they say they are, and would help restore confidence in Maryland elections. Many states already enjoy this confidence, and I was pleased to introduce this bill for Maryland.

Certain groups may oppose the idea of requiring a state-issued ID to vote, arguing that it is an unfair expectation to disenfranchise and discourage voters in Maryland. My bill counteracts that argument by allowing for free IDs and for those without ID to still vote, but have their votes verified individually. If you have to provide a valid ID to receive food stamps, to write a check, or to get a library card, why would we treat our elections with less respect?

### **HB 1076 – Requiring Proof of Citizenship When You Register to Vote\***

I introduced this bill to help improve the integrity of the voting process by requiring that every person who registers to vote in Maryland provides proof that they are US Citizens and eligible to vote, rather than just taking applicants' word for it, as currently happens.

Currently, Federal Law requires that a driver's license, MVA card, social security, or a sworn statement that the individual does not have the cards, be a part of their voter application. The State Board of Elections verifies that these facts match the person applying; however, they are not looking to verify U.S. citizenship. As such, people who are in our community illegally can register to vote in Maryland.

"There is a very real problem with aliens being registered to vote," said Kansas Secretary of State Kris Kobach, who said about a dozen states are likely to pass such proof of citizenship measures in coming years. If we believe that **voting should only be the right of U.S. and Maryland citizens**, then we need to put the checks in place to enforce and ensure that.

#### ***HB 409 – We shouldn't require Election Polls to be open on Easter\****



Did you know that in the 2016 Presidential Primary, early voting in Maryland was scheduled to occur on Good Friday and on Easter Sunday? Knowing this, I introduced a bill that would have early voting not occur on major religious and state-recognized holidays.

The bill did not pass, but thankfully another bill did pass that changed the election date next year so that early voting would not occur on Easter weekend. While not a long term fix, at least the problem was avoided for next year. One big problem with voting over Easter weekend is the requirement that poll workers have to sign up for all early voting days, including Easter Sunday. We are already struggling to fill those positions, and this would have made it even more difficult to get people to serve in those roles.

#### ***SB 166/ HB 604 – Central Committee Appointment/ Special Election for General Assembly Vacancies***

Del. David Moon introduced a bill that would require an election in the upcoming presidential election for State Senator and State Delegate vacancies created during the first year of a four-year term. The local Central Committee would still appoint a person to fill that vacancy, but instead of a four-year appointment, it would only be to the next election.

The advantage of this process is that the people would have a direct say in who their representative would be, so that the maximum appointment would be two or three years instead of four. State costs wouldn't be a factor since the election to fill the vacancy would be held at a regularly scheduled election. This bill did not pass, but I believe it's an issue that could be investigated further to help the voters have more direct input as to who will represent them in the General Assembly.

#### **JUDICIAL:**

#### ***HB 431 – Making it Illegal to Dump a Dead Body\****

Did you know that in Maryland, there is no law against dumping a dead body on the side of the road?

When I heard about this, I was shocked. There was a case in Washington County two years ago, where a body was dumped on Broadfording Road in Hagerstown. The person who admitted to the dumping of the dead body could not be charged with anything because it was not against the law, creating a very upsetting situation for the family of the victim.

**As a result of this situation, I was contacted by the family and introduced a bill to make dumping a dead body illegal.** First introduced last year, I reintroduced it this year so that people who commit this crime will be jailed for up to a year and/or pay up to a \$5,000 fine. Thankfully, this bill passed and should be signed into law shortly.

#### ***HB 244/ SB 526 – The Second Chance Act***

This bill passed and will allow a person to petition a court to shield their court and police records for certain offences, including offences such as illegal drug use, prostitution, trespassing, or driving without insurance or on a suspended license.

This bill hurts businesses by not allowing most businesses to be able to conduct a complete background check on prospective employees. If a prospective employee had been charged with malicious destruction of property and shielded that information, an employer hiring them wouldn't be able to know that crucial information when making hiring decisions.

Another consequence is the increased costs brought about by the bill.

- \$294,250 in Fiscal Year 2016 just for computer reprogramming for the Judiciary (If electronic compliance is even possible.)
- Possibly \$1,000,000+ annually for additional personnel just for the courts
- Department of Budget & Management has advised that shielding information in certain instances could negatively impact State hiring decisions and expose the State to harm from theft of funds or confidential information, as well as mismanagement of State programs by individuals whose criminal histories are incompatible with certain State positions.

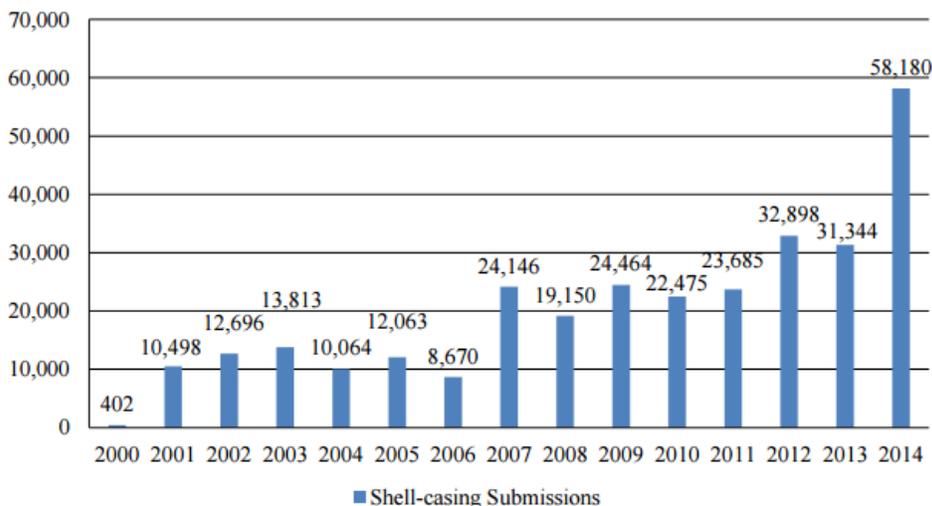
It should be noted that although the bill limits a person to one granted shielded petition per lifetime, the petition to shield can include many crimes. The Judiciary (Administrative Office of the Courts) advises that once a case is shielded, clerks in the District Court cannot determine if a case has been shielded in a circuit court during the defendant's lifetime, and they will likely be able to successfully shield additional infractions.

All House Republicans and 6 Democrats opposed the bill in the House while every State Senator voted for the bill.

**SB 736 – Ballistic Fingerprinting Repeal**  
**Our 2<sup>nd</sup> Amendment rights had a victory in Annapolis this session.** Previously, state law required all firearm manufacturers to provide a spent cartridge to the Maryland State Police for every firearm sold, along with the name, address and Social Security number of the person purchasing that firearm. They record this identifying information and assign the shell casing a barcode number that is put into the Maryland Shell Casing Reference Database (MSRD).

On the surface, you would assume that a shell casing found at the scene of a crime would lead to the person who fired the gun, but experience has proven this law to be costly and ineffective. Since 2001, the database has resulted in 26 back door hits, making the hit rate for MSRD 0.0085% (26 hits from 304,548 reference samples). The cost to run the program is \$1 million annually on the state's end, as well as the extra cost for retailers selling the handguns.

**Exhibit 1**  
**Annual Shell Casing Submissions to MSRD**  
**Calendar 2000-2014**



Source: Department of State Police

The program was highly ineffective with most shell cases not even being recorded properly. The facts are that **all legal firearm purchases currently require a criminal background check of the person buying the firearm.** Moreover, very few firearms-related crimes are committed by the original owner of the firearm. Most are committed with stolen or illegally acquired firearms. No amount of laws and restrictions on legally-acquired firearms will stop people from committing crimes with illegal firearms. In addition, the ballistic fingerprint of a gun changes over time as the gun is used, meaning that the program is set up to be ineffective from the first day it was implemented.

This common sense repeal has been worked on for years. Thankfully, on the last day of the Legislative Session, this repeal passed through both the House of Delegates and State Senate and will now go to Governor Hogan, who is expected to sign the bill.