

AUDREY J. S. CARRIÓN
CIRCUIT ADMINISTRATIVE JUDGE
EIGHTH JUDICIAL CIRCUIT
CHAIR
(410) 396-5130



JOHN P. MORRISSEY
CHIEF JUDGE
DISTRICT COURT OF MARYLAND
(410) 260-1522

FRED S. HECKER
CIRCUIT ADMINISTRATIVE JUDGE
FIFTH JUDICIAL CIRCUIT
VICE-CHAIR
(410) 386-2837

JOINT MEETING OF THE
CONFERENCE OF CIRCUIT JUDGES
AND THE
DISTRICT COURT CHIEF JUDGE'S
COMMITTEE

ROBERTA WARNKEN
CHIEF CLERK
DISTRICT COURT OF MARYLAND
(410) 260-1235

A joint meeting of the Conference of Circuit Judges and District Court Chief Judges Committee was held Monday, September 23, 2024, at the Maryland Judicial Center, beginning at 9:30 a.m., and remotely via Zoom.

Conference of Circuit Judges Members Present:

Hon. Audrey J. S. Carrión, Chair
Hon. Fred S. Hecker, Vice Chair

Hon. James A. Bonifant	Hon. Stacy A. Mayer	Hon. Brenda A. Sexton
Hon. Donine M. Carrington Martin	Stephanie Medina	Hon. Brian D. Shockley
Hon. DaNeeka V. Cotton	Hon. Dana M. Middleton	Hon. Richard R. Trunnell
Hon. Yolanda L. Curtin	Hon. Vicki M. Pauler	Hon. Kevin R. Tucker
Hon. William W. Davis, Jr.	Hon. Richard J. Sandy	
Hon. Jeffrey S. Getty	Hon. S. James Sarbanes	

District Court Chief Judges Committee Members Present:

Hon. John P. Morrissey, Chair

Hon. Erich M. Bean	Hon. Geoffrey Hengerer	Hon. Eric W. Schaffer
Hon. Wayne A. Brooks	Kimberly Hurd	Hon. Nancy B. Shuger
Hon. K. Christy Holt Chesser	Hon. Melvin J. Jews	Hon. Shaem C.P. Spencer
Hon. L. Robert Cooper	Hon. Sherri D. Koch	Hon. Nicole E. Taylor
Hon. Erin M. Danz	Hon. Kerwin A. Miller, Sr.	Roberta Warnken
Hon. Victor M. Del Pino	Hon. John E. Nunn, III	Hon. Dorothy J. Wilson
Hon. Lisa A. Hall Johnson	Hon. Eileen A. Reilly	

Guests Present:

Ksenia Boitsova	Debra Kaminski	Judy Rupp
Ebonye Caldwell	Kate Maher	Hon. Marina L. Sabett
Melissa Canada	Andrea Murphy	Gillian Tonkin
Maxine Curtis	Kelley O'Connor	Will Vormelker
Nancy Faulkner	Pamela Ortiz	Jamie Walter
Lou Gieszl	Suzanne Pelz	
Hon. James H. Green	Hon. H. Jack Price, Jr.	

1. Welcome and Approval of Minutes – *Hon. Audrey J.S. Carrión*

Judge Audrey J.S. Carrión opened with a reminder that the meeting was being livestreamed for the public. Judge Carrión is the chair of the Conference of Circuit Judges (CCJ) and the Administrative Judge in the Circuit Court for Baltimore City. She explained that the CCJ and the District Court Chief Judge’s Committee (DCCJC) meet annually to foster a collaborative relationship, exchange ideas, and to address the evolving challenges faced by the Judiciary. She then asked all the members present to introduce themselves.

Judge Carrión moved for approval of the previous CCJ meeting minutes from May 20, 2024. Judge S. James Sarbanes made a motion to approve the minutes, with a second from Judge Fred S. Hecker. After hearing no objections, the minutes were approved.

2. Maryland Department of Health Contempt Hearings – *Hon. Marina L. Sabett*

Judge Marina L. Sabett is a District Court judge in Montgomery County and the coordinating judge for behavioral health in Maryland. Pursuant to Criminal Procedure § 3-106, if a defendant is found incompetent to stand trial and is a danger to oneself or others, the Maryland Department of Health (MDH) must admit the individual to a designated health care facility within 10 business days. However, as of September 5, 2024, nearly 200 incarcerated individuals were awaiting bedspace in a state hospital to restore competence and well-being. As a result, MDH was sanctioned in a number of jurisdictions this year for contempt of the required timeframe. According to MDH, approximately 99% of patients are admitted via a court order and there are only 1,056 beds available for adults across five state facilities. In addition, the average length of stay at a hospital is 850 days. As of September 2024, over 125 patients were clinically ready for discharge pending appropriate community placement.

Judge Sabett, along with Chief Justice Matthew J. Fader and Chief Judge John P. Morrissey, continues to work with internal and external stakeholders to improve court processes and

to obtain the best outcome for those with behavioral health issues. A meeting was held in August to discuss reasonable ways to streamline cases within the judicial and MDH systems. Representatives from the Office of the Public Defender, State's Attorney's Office, Attorney General's Office, the Department of Public Safety, MDH, and a local detention center were present at the meeting.

Following the meeting, subsequent feedback was obtained from judges and a draft Stipulation and Order was developed based on the most common and important issues faced during contempt hearings, including a provision for remote appearance. The draft was shared with the judges attending the joint meeting to review and provide additional feedback. A question was asked regarding the provision for costs incurred by the detention center and how it is proven when most hearings are initiated by the defense attorney and not the jail. Judge Sabett explained the most efficient way is for the defense attorney calls a representative from the detention center as a witness to provide the information to the judge directly.

In addition to streamlining the process, Sequential Intercept Model (SIM) mapping, a method of identifying gaps in community resources and developing strategic action plans will increase throughout the state over the next 6 – 8 months. A concern was raised regarding the increase in juvenile involvement in the criminal justice system and only one hospital with an adolescent unit available. Judge Sabett stated that MDH is working closely with the Department of General Services to increase overall capacity at each facility. A Behavioral Health Summit will be held by the Governor's Office of Crime Prevention, Youth, and Victims' Services in October. The summit will link personnel and services to help prevent further involvement of individuals with behavioral health needs into the criminal legal system. MDH and the Department of Juvenile Services are also engaging with youth organizations to maximize resources and direct focus on supporting children and families sooner.

3. Security Assessment Reports – *Jamie Walter and Kate Maher*

Earlier this year, the Judicial Security Task Force performed site visits, took photos, and interviewed court leadership regarding building security at each location. Between 24 circuit court locations and 33 District Court locations, almost 49,000 data points were collected and analyzed.

To assist in developing a method of analysis, the task force, reviewed security inventory item recommendations from the NCSC and the Arizona Judiciary. Together, the team developed 280 inventory items to focus on, 185 of which were determined to be primary items to analyze.

A phased implementation approach for each location was developed using three tiers. All courts should have received their reports from Research and Analysis (R&A), which includes a cost analysis for each location. Circuit court clerks of court and court administrators will have the opportunity to meet with the security and R&A team during the Joint Conference the week of October 7, 2024, to review their reports. District Court will schedule reviews separately. In addition, Chief Judge E. Greg Wells of the Appellate Court of Maryland chairs the Solutions Workgroup, which is tasked with developing recommendations for funding requests during the upcoming legislative session.

4. Maryland Sign Language Licensing Requirements – *Pamela Ortiz and Ksenia Boitsova*

In 2023, Senate Bill 346 established a State Board of Sign Language Interpreters charged with licensing qualified individuals to provide sign language interpretation. Regulations, once established, would govern video remote interpretation, commissioner stations, help centers, mediation meetings, etc. A few exceptions are made for emergency situations. The bill also establishes disciplinary procedures for individuals providing sign language interpretation without a license, including court action and/or the imposition of a fine. The Judiciary is required to submit an annual report regarding sign language interpreter usage through 2028.

The licensing requirements were due to be published by July 1, 2024, but have not yet been released. It is unclear if the requirements will take effect on January 1, 2025, as originally enacted. Pamela Ortiz, the Access to Justice (ATJ) Director, discussed the issue with the Attorney General's Office and learned the board is likely to provide a grace period. Updates will be provided as they become available.

It is important to note that these requirements only apply to sign language interpreters and not interpreters generally. However, there is concern that many interpreters will be unable to comply with the short 6-month period to become licensed, and there may be an impact on the Judiciary's resources. In addition, there may be a delay in the remote interpreting service provider verifying the licensing status of its interpreters. ATJ will work with court leadership to ensure all staff are aware of the consequences of utilizing non-licensed interpreters, including brief interactions or allowing family members to assist.

In the meantime, ATJ will begin tracking relevant data in order to comply with the potential reporting requirements. Staff is also prepared to document the licensing status of all sign language interpreters using the scheduling software. Judicial Information Systems

developed a data tracking method within Odyssey, including a new "No Interpreter" postponement code. A Court Practice Directive is being developed to ensure courts are recording the data needed for mandatory reports.

A request was made to clarify the difference between a certified deaf interpreter (CDI) and a sign language interpreter. A CDI is deaf and authentically understands the nuances of the deaf community, whereas a sign language interpreter can hear but learns to communicate with deaf individuals. CDIs are rare and valuable. There are only five available in the state of Maryland.

Ms. Ortiz explained the matter was before the Maryland General Assembly (MGA) a few years ago, but the Judiciary was not included in the process. Judge Morrissey suggested referring the issue to the Legislative Committee for further discussion.

5. Legislative Update – *Hon. Stacy A. Mayer*

In 2024, the Judiciary analyzed more than 2,700 bills: 500 more than the 2023 session. Major issues included judicial security, juvenile justice, home detention, mental health, and landlord/tenant matters. October 1st is the most common implementation date; however, July 1st is becoming the most common date for fiscal changes.

The Judge Andrew F. Wilkinson Judicial Security Act established the Office of Information Privacy (OIP) in the Administrative Office of the Courts and allows a request to be made for personal protected information to be removed from publication. Additionally, OIP must establish a judicial address confidentiality program for the purpose of safeguarding the addresses of program participants, such as property records. Finally, the bill created the Task Force to Ensure the Safety of Judicial Facilities, which must report its findings and recommendations to the Chief Justice by January 1, 2025.

HB592/SB688 added one judgeship in the Circuit Court for Prince George's County, and SB1039 established a Truancy Reduction Pilot Program in the Circuit Court for Frederick County. There is an increasing trend in reporting requirements for the Judiciary, including Senate Bill 271, which requires the clerk of each circuit court to provide a list of convicted felons to the State Administrator of Elections each month. In addition, the Judiciary must report annually to the Governor and MGA the number of charges, convictions, and sentences for criminal violations of certain handgun laws.

All references to the term "mental retardation" in the Courts and Judicial Proceedings and Criminal Procedure Articles were replaced with "intellectual disability" following the enactment of House Bill 432.

House Bill 576/Senate Bill 453 allows counties to develop an assisted outpatient treatment (AOT) program and allows certain individuals on behalf of another to petition a circuit court for entry into an AOT. If the court finds the respondent meets the criteria, the court must order the individual to comply with treatment for up to one year. If a county opts out of establishing its own program by July 1, 2026, MDH shall establish the program. The Judiciary expressed several concerns, including the fact that there is no enforcement mechanism in place, but the bill still passed. The program will look different in each jurisdiction depending on the available resources. Judge Morrissey suggested the program could also be an alternate option for individuals with competency issues.

Senate Bill 468 alters notification requirements for private home detention (PHD) monitoring agencies to report a violation of conditions to the court, law enforcement agency, and the Division of Parole & Probation within 24 hours. In addition, the bill requires notification within one hour if a defendant tampers with or fails to properly maintain monitoring equipment. The Workgroup on Home Detention Monitoring was also established with Senate Bill 1095 and is charged with making recommendations regarding the cost and availability of PHD monitoring systems.

House Bill 105 allows a person who was granted a probation before judgement for a violation of Transportation Article § 21-902 (a) or (b), under certain circumstances to file a petition for expungement 15 years after the individual was discharged from probation. The Motor Vehicle Administration (MVA) must also report specific information about participants in the Ignition Interlock System Program (IISP).

A Rent Court Workforce Solutions Pilot Program in Montgomery County and Prince George's County provides individuals in failure to pay (FTP) rent cases with workforce resources and employment opportunities. At least one representative from a designated organization may be allowed to operate in a District Court courthouse on days which FTP rent cases are heard. The Governor must also include \$200,000 in the annual budget for fiscal years 2026 through 2028 for the pilot program.

The Renters' Rights and Stabilization Act of 2024 increases a surcharge assessed for summary ejection and civil cases, which must be deposited equally into statewide rental assistance programs. The bill also extends from four to seven days the minimum time between granting a judgement of possession in favor of a landlord and the issuance of a warrant of restitution (WOR). The execution of a WOR must also be stayed in the event of extreme weather conditions but must be completed within five days after the conditions stop. The bill establishes the Office of Tenant and Landlord Affairs within the Department of

House and Community Development and establishes a tenant's right of first refusal when a title is transferred.

The Tenant Safety Act of 2024 establishes that a landlord who offers a dwelling unit for rent warrants the dwelling fit for human habitation and provides remedies if a landlord breaches the warranty of habitability or fails to repair serious and dangerous defects, as required by statute. Remedies include authorizing multiple tenants to join as plaintiffs.

House Bill 435 alters provisions that determine the calculation of child support for incarcerated obligors. A court may determine that a material change of circumstances has occurred or that the obligor may not be considered voluntarily impoverished. The bill also prohibits a determination of potential income for a parent who is incarcerated, and arrearages may not accrue during (and for a specified time after) a period of incarceration.

House Bill 814 alters the jurisdiction of the juvenile court over a 10 to 12-year-old alleged to have committed certain offenses, alters procedures related to juvenile intake, detention, and probation, and alters certain provisions related to the Commission on Juvenile Justice Reform and Emerging and Best Practices. House Bill 458 prohibits the court or a party in a criminal or juvenile delinquency case from disclosing or allowing inspection by a nonparty of any filing upon notice that the case includes identifying information of a minor victim. Judge Morrissey added that the cannabis redaction software currently being piloted will assist with identifying the protected information.

Under House Bill 496, the use of force or threat of force was repealed as an element of crime under second degree rape and defines the word "consent". The Judiciary must also annually report certain data for violations of Criminal Law Article § 3-303 through 3-308. The Tobacco Retail Modernization Act of 2024 modifies how certain tobacco products may be sold and alters related enforcement provisions, including an increase in the fine amounts and suspension of a licensee who violates.

Several bills were presented to the MGA that did not pass. Most notably, legislation was proposed to alter the voir dire process. The issue was ultimately referred to the Rules Committee where a Workgroup to Study the Voir Dire Process was established to make findings and recommendations for improvement. Another bill attempted to impose certain requirements on the training and qualifications of custody evaluators.

House Bill 698 would have required a court to hear and rule on a petition for guardianship of a disabled person within 10 calendar days if the petition involved transfer or discharge from a hospital. The Legislative Committee was able to educate the legislature on the overall guardianship process and the bill was ultimately withdrawn. Finally, House

Bill 1346 would have authorized MDH, rather than the court, to determine whether a defendant would be examined on an in-person or outpatient basis.

A reminder was made that any proposed legislation to be included in the 2025 legislative package should be provided to Kelley O'Connor by November 22, 2024.

6. Cannabis Pardons: Open Warrants – *Hon. John P. Morrissey and Hon. S. James Sarbanes*

On June 17, 2024, the Governor issued an Executive Clemency Order pardoning certain convictions related to simple possession of cannabis. There have been questions regarding how courts should handle cases with an open warrant that would otherwise be eligible for pardon. A suggestion was made for the administrative judge to issue a blanket order recalling the open warrant in all cases verified to otherwise be eligible for pardon.

7. 2025 Elections – *Hon. Audrey J.S. Carrión*

The two-year term for elected members in each circuit will end on December 31, 2024. An election will be held at the next CCJ meeting in November and Judge Carrión asked that each circuit provide the name of a judge nominated to replace those members for the 2025 – 2026 term.

In addition, Judge Hecker will become the chair of the CCJ and a new vice chair will be elected. Judge James A. Bonifant nominated Judge Yolanda L. Curtin, with a second by Judge Sarbanes. Additional nominations will be heard in November for final election.

At 11:31 a.m., Judge Carrión proposed the meeting at the MJC and online for remote members be moved to a closed session to discuss a personnel matter that affects one or more specific individuals, pursuant to General Provisions Article § 3-305(b)(1)(ii). The specific topic being the Office of Information Privacy. Judge Morrissey moved to close the meeting, which was seconded by Judge Hecker. With no objections from members present, the meeting was closed.

The closed session ended at 11:55 a.m.

8. For the Good of the Order

Judge Morrissey invited members of the CCJ to join the DCCJC meeting shortly after lunchtime to view a presentation on the Strategic Plan. Having no further items to discuss, the meeting ended at 11:57 am.

The next meeting of the CCJ will be Monday, November 18, 2024, via Zoom, beginning at 9:30 a.m.