



**\*Hon. Mary Ellen Barbera, Chair**  
**Chief Judge**  
Court of Appeals

**\*Hon. Keith A. Baynes**  
Chair, Conference of Circuit Judges

**Hon. Pamela J. Brown**  
District Court in Howard County

**Hon. Audrey J. S. Carrión**  
Vice-Chair, Conference of Circuit Judges

**Hon. Karen Christy Holt Chesser**  
District Court in St. Mary's County

**Hon. Angela M. Eaves**  
Circuit Court for Harford County

**\*Hon. Matthew J. Fader, Chief Judge**  
Court of Special Appeals

**Marina Fevola**  
Chair, Conference of Circuit Court Administrators

**Hon. Jeffrey S. Getty**  
Circuit Court for Allegany County

**Markisha Gross, Administrative Clerk**  
District Court in Montgomery County

**Hon. Katherine Hager**  
Chair, Conference of Circuit Court Clerks

**\*Pamela Harris**  
State Court Administrator

**Hon. James A. Kenney III**  
Chair, Senior Judges Committee

**Hon. Donine Carrington Martin**  
Circuit Court for Charles County

**\*Hon. John P. Morrissey, Chief Judge**  
District Court of Maryland

**Hon. Bonnie G. Schneider**  
District Court in Cecil County

**Hon. Kathy P. Smith**  
Vice-Chair, Conference of Circuit Court Clerks

**Mary K. Smith, Administrative Clerk**  
District Court in Howard County

**Roberta Warnken, Chief Clerk**  
District Court of Maryland

**Hon. Alan M. Wilner**  
Chair, Standing Committee on Rules of  
Practice and Procedure

**Hon. Dorothy J. Wilson**  
District Court in Baltimore County

**Burgess Wood**  
Vice-Chair, Conference of Circuit Court  
Administrators

**Faye Gaskin, Secretary**  
(410) 260-1257

\*Denotes Executive Committee Member

# MARYLAND JUDICIAL COUNCIL

## MARYLAND JUDICIAL COUNCIL

Minutes  
July 21, 2021

### Judicial Council Members Present:

Hon. Mary Ellen Barbera, Chair	Hon. Bonnie G. Schneider
Hon. Keith Baynes	Hon. Alan M. Wilner
Hon. Pamela J. Brown	Hon. Dorothy J. Wilson
Hon. Audrey J.S. Carrión	Marina Fevola
Hon. Karen Holt Chesser	Markisha Gross
Hon. Angela M. Eaves	Hon. Katherine Hager
Hon. Jeffrey Getty	Pamela Harris
Hon. James Kenney, III	Hon. Kathy Smith
Hon. Donine Carrington Martin	Roberta L. Warnken
Hon. John P. Morrissey	Burgess Wood

### Others Present:

Hon. Kathryn G. Graeff	Lou Gieszl
Hon. Glenn L. Klavans	Melinda Jensen
Hon. Karen Murphy Jensen	Dominique Johnigan
Hon. Stacy A. Mayer	Kelley O'Connor
Hon. E. Gregory Wells	Eliana Pangelinan
Hon. Patrick Woodward	Suzanne Pelz
Faye Gaskin	Stacey Saunders
Renee Abbott	Suzanne Schneider
Richard Abbott	Nisa Subasinghe
Keith Bageant	Jason Thomas
Matthew Barrett	Jamie Walter
Robert Bruchalski	Sean Wolcuff
Sara Elalamy	

A meeting of the Judicial Council was held Wednesday, July 21, 2021, at the Maryland Judicial Center and via Zoom for Government. The meeting began at 9:30 a.m. Chief Judge Barbera welcomed everyone and noted that Judge Graeff was attending the meeting in Judge Fader's stead. She then advised everyone that the audio portion of the meeting was being live-streamed pursuant to the Open Meetings Act.

The minutes of the May 26, 2021 meeting were approved by common consent.

## **1. Introduction of the New Chief of Security Administration**

Sean Wolcott was introduced as the new Chief of Security Administration. He will replace Keith Bageant upon his retirement in September. Mr. Wolcott discussed his distinguished career which includes service in the United States Marine Corps as well as the United States Marshal Service; serving as a law enforcement officer in Dallas, Texas and Columbus, Ohio; service in the Secret Service; and supporting the federal bench where he managed judicial security programs and court security.

Chief Judge Barbera welcomed Mr. Wolcott to the Judiciary and thanked Mr. Bageant for his service and for helping to keep the Judiciary safe.

## **2. Judicial Information Systems (JIS) Security Update**

Robert Bruchalski, Renee Abbott, and Jason Thomas provided an information security update to the Council. Mr. Bruchalski began the presentation by discussing some of the cybersecurity events that had been in the news and detailed what JIS is doing to mitigate potential attacks on the Judiciary's network. He remarked that such attacks reinforce the need to continually monitor and enhance security. As such, JIS has implemented multiple layers of protection that are needed to recognize and prevent attacks. The layers include physical protections such as door card readers and data encryption; network protections such as the firewall, intrusion detection systems, and malicious domain blocking; server/host protections such as vulnerability scanners and patching; application protections such as ant-malware scanning and data encryption; admin protections such as privileged access management and multi-factor authentication; and, data protections such as cloud and onsite back-ups. In addition, there are primary, secondary, and tertiary (cloud) back-up controls, as well as data immutability to look for anomalies that may suggest a threat.

JIS also is heavily engaged in threat monitoring to include partnering with other entities to receive bulletins and alerts regarding potential threats. JIS works with Maryland's Department of Information Technology and the Department of Homeland Security to glean information from as many sources as possible. JIS subscribes to third-party network monitoring services that are offered to government entities to identify and report malicious events and is part of a multi-state cyber protection and response portal. Another means by which JIS has enhanced security is through regular internal and third-party assessments, including vulnerability assessments and penetration tests.

Mr. Bruchalski discussed the most recent audit conducted by the Office of Legislative Audit (OLA) which covered the period of September 2015 – August 2020. OLA audited 31 different areas, ranging from the Information Security Program to Network Configuration, touching upon every aspect of JIS. The six-month audit resulted in one finding, the lack of multi-factor authentication (MFA). At the time of the audit engagement, MFA had been implemented but not for every user across the Judiciary. It was noted that only one finding was remarkable, especially considering the scope of the audit.

The next item discussed was cybersecurity insurance coverage for JIS that will provide coverage in the event of a breach. The insurance covers areas such as forensics investigation and malware analysis. If necessary, JIS will engage any of its vendors whose systems it suspects may have been involved in the breach.

JIS is working to implement Zero Trust methodology which is a model that measures authentication before access is granted to users; MFA is the first step in that direction. The methodology basically says not to trust anything that is coming onto the network. Other initiatives underway include expansion of the firewall to include virtual segmentation for the various Judiciary entities and expansion of privileged access management.

Mr. Bruchalski reported that there was a 95 percent completion rate for the 2020 security training series. The Circuit Court for Caroline County won the Evergam Cup.

Ms. Harris remarked that she is glad people are taking the security training seriously, adding that the Judiciary is most vulnerable from phishing that comes through email. She commended JIS, stating that when the Baltimore City government's network was attacked, they called upon JIS to assist in rebuilding because of JIS' knowledge and reputation. Unfortunately, the request had to be declined because it would have left the Judiciary vulnerable for the month or so staff would have been in Baltimore. Ms. Harris noted that with the impending end to JIS lease in its current location, plans are underway for the entire staff to move into a new building under construction that is adjacent to the Maryland Judicial Center. The move will put all AOC operations in one location.

Chief Judge Morrissey echoed Ms. Harris' sentiments, adding that JIS is responsible for the Judiciary being able to successfully pivot to Zoom and conduct matters virtually in a safe and secure manner.

Chief Judge Barbera also echoed the previous comments and noted that the Judiciary relies on the work of JIS. She added that she has the utmost confidence in the entire JIS team and that she is humbled by and proud of their energy and motivation.

### **3. Court Reporting Workgroup**

Judge Klavans, Chair of the Court Operations Committee, reported that the Case Management Subcommittee was tasked with reviewing COVID-related backlogs and submitting to the Council recommendations to address the same. The subcommittee has surveyed the courts and collected data but has determined that the data are not sufficient to propose any substantial recommendations at this time. Further, the survey revealed that "backlog" is defined differently across the courts. The subcommittee is conducting an in-depth review of pending cases and is expected to submit a report in September.

Judge Klavans and Matthew Barrett then proceeded to discuss the Court Reporting Manual drafted by the Court Reporting Workgroup, remarking that court reporting has substantially evolved over the years to more transcription from audio recordings. The workgroup determined that there are not many stenographic court reporters still working in Maryland's courts. The shift, in part, led to the effort to revise the manual which now also is a style manual for court reporting. The manual includes examples of style guides for common and uniform types of transcripts. The manual has been streamlined from more than 350 pages to approximately 90 pages. It contains updated numbering and formatting to provide more uniformity and consistent standards. The Rule and statute references have been updated and formatting of the style guide has been added. Other updates are inclusion of the transcript page rates and definitions.

With respect to a question regarding the Office of the Public Defender’s request for a statewide procurement, Mr. Barrett stated that the concern is that some courts, albeit very few, still have court reporters on staff. Also, the rates currently charged vary across courts. based on a number of factors. The workgroup recommended a “not to exceed” page rate for now. The page rates for appellate transcripts currently are set pursuant to an administrative order issued in 2005; the page rates recommended by the workgroup are for other transcripts. Mr. Barrett stated that many jurisdictions publish their page rates on their websites. He added that if the manual is adopted by the Council, the workgroup will draft the administrative order for review by the Court Operations Committee and then the Chief Judge. The workgroup recommended including the page rates in the manual with a reference to the administrative order so that if they change, only the manual would have to be updated. Mr. Barrett stated that the manual, as well as the other work of the workgroup, has been vetted by the Court Operations Committee.

Following further discussion, Judge Eaves moved that the Council recommend to Chief Judge Barbera adoption of the Court Reporting Manual. Ms. Fevola seconded the motion, which passed. Chief Judge Barbera noted that she had not had an opportunity to thoroughly review the manual and, as such, would put acceptance of the Council’s recommendation under consideration.

#### **4. Committee/ Strategic Initiative Updates**

- a. ***Equal Justice Committee.*** Judge Wells briefed the Council on the work of the Equal Justice Committee, its subcommittees, and workgroups, noting the subcommittees and its workgroups have worked diligently and that he would be proposing recommendations from three subcommittees for the Council’s consideration. The recommendations were vetted and approved by the Committee. Judge Wells presented recommendations in five areas from the Access and Fairness Subcommittee – 1) Access to Counsel – Develop resources to support access to counsel in case types where *pro se* status creates a barrier to access and fairness; 2) Accessibility – Conduct an internal communications campaign to ensure all judges, magistrates, and court staff know how to respond effectively to the needs of persons with disabilities and promote disability inclusion; 3) Problem-solving Courts – Expand the number of and access to problem-solving courts through a race-equity lens to include a centralized location for problem-solving courts information and incorporation of a mental health component; 4) Youth – Support more nuanced solutions for court-involved youth and young adults; and, 5) Accountability – Build a culture of accountability within the Judiciary to include timely collection of race and equity data to assist the Judiciary in making recommendations for a better work environment.

The Community Relations Subcommittee held its first community forum on July 15 in Montgomery County, with a focus on juvenile law. The panel included judges and magistrates, as well as community and justice partners. Regional forums are being planned throughout the State. The subcommittee is working with the community partners to determine the focus areas which will be based on the needs of, or issues within the respective community. All forums will be conducted via Zoom where possible. The forums are structured with moderated discussions. Judge Wells noted that the subcommittee is looking for partners in the various regions. An update will be provided to the Council after all the forums have been held.

The recommendation from the Diversity and Inclusion Education Subcommittee involves the development and implementation of a mandatory course for all Judiciary employees and judges regarding implicit bias, including a pre-implicit bias testing educational segment. Judge Wells added that the course is intended to be a learning tool, not a shaming tool, and the pre- and post-activities are intended to help judges and employees understand where they may have biases and how they impact the work environment, their interactions, and their decision-making. Additional recommendations from the subcommittee are being reviewed by the Education Committee and will be considered along with other education and training recommendations from the Equal Justice Committee.

The Operations Subcommittee conducted an employee experiences survey, which was completed by approximately 2,300 employees. The subcommittee is reviewing the responses and will present any resultant recommendations to the Committee. A public perceptions survey is being drafted. The survey will be outward-facing and will be provided to court users along with their court documents, as well as through postings in the courthouses.

The Rules Review Subcommittee has held eight of its scheduled 12 listening sessions. Each session centers around a different Rules area. All sessions are conducted via Zoom and the public is invited to participate and share any concerns regarding the existence of implicit bias or discrimination in the Rules. Judge Wells remarked that he has read the transcripts from several sessions and that they have been very revealing. In addition to the listening sessions, the subcommittee conducted a survey to gather information regarding implicit bias in the Rules. To date, 65 surveys have been completed; the survey responses are due by August 1. The subcommittee also has a workgroup that is tasked with reviewing the information garnered from the listening sessions, surveys, and memos drafted by students from several law schools regarding bias in the Rules and writing a report and formulating recommendations for the subcommittee, Committee, and Council's consideration. Finally, the subcommittee is working closely with the Rules Committee and the Standing Committee on Pattern Jury Instructions.

Judge Wells discussed the recommendation areas put forth by the Sentencing Subcommittee, of which there were seven: 1) Best Practices – This recommendation covers topics such as scheduling VOPs, inclusion of family impact statements in presentence investigation reports, behavioral science factors, and awareness of the available resources, services, and programs; 2) Judicial Training – Topics include training in behavioral science, quarterly implicit bias training, improving training opportunities, and expanding Judicial College courses to include mental health and drug addiction issues; 3) Impact of Sentencing on Children Under 18 – This recommendation centers around including impact statements in presentence investigation reports, available resources to assist children of the victim and defendant, and forming partnerships with the Department of Social Services; 4) Reconsideration of Sentencing – This recommendation would remove the five-year cap and give judges complete discretion regarding reconsideration of sentences; 5) Parole and Probation – This recommendation calls for the Chief Judge of the Court of Appeals, or designee, and the Secretary of the Department of Public Safety and

Correctional Services, or designee, to have ongoing dialogue regarding resources and communication; 6) Resources for all Judges in all Jurisdictions – This recommendation involves the creation and maintenance of a resources guide in each jurisdiction; and, 7) The Judiciary’s Response to the Justice Policy Institute 2019 Report – This recommendation requires the Judiciary to continue an in-depth analysis of its sentencing policies to eliminate bias and inequity.

Chief Judge Barbera stated that the matter of sentence reconsideration (Recommendation No. 4) is before the Court of Appeals and is expected to be resolved shortly. As such, the recommendation was removed from the Council’s consideration. The Council then discussed the remaining recommendations.

Access and Fairness Subcommittee Recommendations – Judge Wilson moved that the Council recommend to Chief Judge Barbera approval of the subcommittee’s five recommendations. Judge Getty seconded the motion. Ms. Harris offered a friendly amendment with respect to Recommendation No. 4, noting that increasing the age of juvenile jurisdiction is statutory and not within the Judiciary’s purview. The amendment, which was accepted, was for the Judiciary to “support” the increase in the age of juvenile jurisdiction rather than to “increase” the age. Following the amendment, the motion passed.

Diversity and Inclusion Education Recommendation – Judge Eaves moved that the Council recommend to Chief Judge Barbera approval of the recommendation. Following a second by Clerk Hager, the motion passed.

Sentencing Subcommittee Recommendations – Ms. Harris moved that the Council recommend to Chief Judge Barbera approval of the recommendations put forth by the Sentencing Subcommittee, except for Recommendation No. 4 (sentencing reconsideration), which is being held in abeyance. Following a second by Judge Carrington Martin, the motion passed.

Chief Judge Barbera thanked the committee, subcommittee, and workgroup members, noting that a phenomenal amount of work has been done, especially during these challenging times. Judge Wells remarked that a lot of people contributed their time and expertise to the endeavor. He thanked Chief Judge Barbera for the opportunity to serve.

- b. ***Domestic Law Committee – Guardianship and Vulnerable Adults Workgroup.*** Judge Woodward, Judge Jensen, and Nisa Subasinghe provided an update on the work of the Guardianship and Vulnerable Adults Workgroup, specifically the plan to move forward on a recommendation approved by the Council in 2016. The recommendation, which was one among 25, stated “*The Maryland Judiciary should develop guardianship training and resources for new judges and set continuing education standards for judges handling guardianship cases. New judges should receive training on guardianship within 120 days of appointment.*” It was noted that the recommendations approved in 2016 either have been accomplished in full or are well on the way to being fully implemented. Some of the accomplishments include major Rule changes, post-appointment training, design and maintenance of the guardianship webpage, creation of guardianship liaisons for the courts, and

development of best practices.

To implement the guardianship training and resources recommendation, the workgroup proposed to the Council: 1) the Guardianship and Vulnerable Adults Workgroup of the Domestic Law Committee develop curriculum for a guardianship “nuts and bolts” course, and 2) the Juvenile and Family Services department of the Administrative Office of the Courts work with an instructional design vendor to adapt the curriculum into an online self-paced course available on-demand to circuit court judges. In addition, the workgroup will continue to work with the Judicial College to offer in-person nuts and bolts, and advanced guardianship programs.

Judge Woodward remarked that guardianship cases are unlike any other in the civil rotation because the court has the power to take away a civil right. If there is no review or subsequent action, the removal of that civil right is permanent. The court has the responsibility for the well-being of every individual under guardianship; the guardian is an agent of the court and, as such, the court is responsible for ensuring that there is no exploitation of those persons the guardian is appointed to serve.

During Chief Judge Barbera’s first Judicial Conference as Chief Judge, the importance of guardianship and guardianship cases was highlighted. Maryland is now recognized as a national model for progress in this area. Judge Woodward urged the Council to approve the workgroup’s proposal.

Judge Jensen stated that guardianship has never been a part of the Judicial College’s Family Law University so judges would never get the training through that program. Guardianship training is now in the cycle of Judicial Education courses, but the training does not necessarily capture judges going into the guardianship rotation, which is why the digital course is so critical. Richard Abbott stressed the importance of making the course lively and hence the need for a content developer who can make it more user friendly. Nisa Subasinghe added that the workgroup has the right composition of members and consultants who are able to provide varying perspectives on the practical issues as well as the law.

Ms. Fevola moved that the Council recommend to Chief Judge Barbera approval of the workgroup’s proposal. Following a second by Judge Eaves, the motion passed.

Chief Judge Barbera accepted the Council’s recommendation. She remarked that she has been invested in addressing guardianship since learning of the silver tsunami. Chief Judge Barbera thanked all who were involved, adding that the initiative could solve numerous problems.

Clerk Hager stated that it would be beneficial if similar training were made available to clerks; the cases have to be processed in a special way.

- c. **Legislative Committee.** Judge Mayer provided a report on the 2021 legislative session, noting that 2,300 bills were analyzed. The Committee focused its attention on 630 bills, submitted 211 position papers, supported 19 bills, and opposed 105 bills. The following is a summary of some of the bills of interest that passed.

- Chapter 82/Chapter 83 (House Bill 885/Senate Bill 666) – *Courts of Appeals and Special Appeals – Renaming*. This is a proposed constitutional amendment to rename the Court of Appeals as the Supreme Court of Maryland and the Court of Special Appeals as the Appellate Court of Maryland. It also would rename the Chief Judge of the Court of Appeals as the Chief Justice of the Supreme Court of Maryland.
- Chapter 181/Chapter 182 (House Bill 186/Senate Bill 7) – *Courts – Court Dog Program – Veterans Treatment Courts*. These bills rename the Court Dog and Child Witness Program to the Court Dog Program and expand the program to any trial court location that has a veterans’ court program.
- Chapter 719 (House Bill 251) – *Maryland Funding Accountability and Transparency Act – Real Property Records Improvement Fund and Nonbudgeted State Agencies*. With regards to the Judiciary, this bill allowed the Judiciary to transfer up to \$12 million from its general fund appropriation to the Circuit Court Real Property Records Improvement Fund.
- Chapter 124 (Senate Bill 109) – *Secretary of State – Address Confidentiality Programs – Merger of Programs and Expanded Participant Eligibility*. This bill merges two separate programs (the Address Confidentiality Program and the Human Trafficking Address Confidentiality Program) into one singular program and expands eligibility for use to anyone subject to stalking/harassment as well domestic violence. All state agencies will be required to use the confidential address.
- Chapter 746 (House Bill 18) – *Landlord and Tenant – Residential Rights – Access to Counsel*. This bill establishes, subject to the availability of funding, access to legal representation for individuals meeting specified qualifications in failure to pay rent proceedings. It requires the landlord to provide written notice to the tenant of the intent to file a failure to pay rent claim prior to filing.
- Chapter 393 (House Bill 180) – *Juveniles – Sexting*. This bill establishes special procedures for juveniles who commit certain offenses involving or arising out of sexting. It establishes a mitigating factor with respect to sentencing, the juvenile doesn’t have to register as a sex offender, and the court can order the juvenile to participate in educational programs on the risks and consequences of sexting.
- Chapter 330 (House Bill 744) – *Courts – Counsel Appearance Fees – Domestic Violence*. This bill prohibits a circuit court clerk from collecting an appearance fee for a petitioner or respondent’s attorney in domestic violence protective order cases.
- Chapter 61 (Senate Bill 494) – *Juveniles Convicted as Adults – Sentencing – Limitations and Reduction (Juvenile Restoration Act)*. This legislation prohibits life without parole sentences for minors convicted as adults. The legislation also provides for individuals convicted as minors to file a motion to reduce their sentences under certain circumstances. The legislation was vetoed by the Governor, but the veto was overridden by the legislature.
- Chapter 305 (House Bill 1339) – *Child Support – Guidelines*. This bill delays the effective date of the revised child support guidelines until July 1, 2022.
- Chapter 506/Chapter 597 (House Bill 39/Senate Bill 581) – *Action for Change of Name – Waiver of Publication Requirement*. This legislation requires a court, on motion by an individual who has filed an action for change of name, to waive the publication requirement.
- Chapter 165 (House Bill 118) – *Vehicle Laws – Injury or Death of Vulnerable*

*Individual Penalties.* This legislation permits an individual who hits a vulnerable adult with a vehicle and causes injury or death to be found guilty of a misdemeanor.

- Chapter 341 (House Bill 289) – *Peace Orders – Workplace Violence.* This legislation allows an employer to file a petition for a peace order if an act is committed against the petitioner’s employee at the workplace. The employer must notify the employee before filing the petition.
- Chapter 612/Chapter 613 (House Bill 115/Senate Bill 20) – *Vehicle Laws – Canceled, Revoked, and Suspended Driver’s Licenses – Penalties.* These bills eliminate imprisonment for persons convicted of displaying a canceled, revoked, or suspended license. They also reduce the number of points assessed.
- Chapter 809/Chapter 598 (Senate Bill 669/House Bill 670) – *Constitutional Amendment – Amount in Controversy – Civil Jury Trials.* These bills are constitutional amendments that increase the amount in controversy in civil proceedings, from \$15,000 to more than \$25,000, for an individual to be eligible for a jury trial. The bills have to be ratified by the voters.
- Chapter 59 (House Bill 670) – *Maryland Police Accountability Act of 2021 – Police Discipline and Law Enforcement Programs and Procedures.* This legislation makes various changes related to law enforcement. It increases limits on civil liability and wrongful death actions. It repeals the Law Enforcement Bill of Rights, establishes the discipline process, and contains provisions for the trial board process.
- Chapter 60 (Senate Bill 71) – *Maryland Police Accountability Act of 2021 – Body-Worn Cameras, Employee Programs, and Use of Force.* This legislation requires law enforcement agencies to require the use of body-worn cameras and establishes use-of-force standards.
- Chapter 62 (Senate Bill 178) – *Maryland Police Accountability Act of 2021 – Search Warrants and Inspection of Records Relating to Police Misconduct (Anton’s Law).* This legislation establishes that an application for certain no-knock search warrants be approved in writing by a police supervisor and the State’s Attorney. It also sets forth information that must be contained in the application, as well as the circumstances under which a no-knock warrant can be issued and served.
- Chapter 376/Chapter 377 (House Bill 882/Senate Bill 874) – *Workgroup to Study Partial Expungement.* This legislation makes several changes to the Workgroup to Study Partial Expungement, including extending the deadline for its termination.
- Chapter 680 (Senate Bill 201) – *Criminal Procedure – Expungement of Records.* This legislation provides for the automatic expungement of police records, court records, and any records of a political subdivision of the State related to the charging of a crime or civil offense under Criminal Law Article § 5-601 (c)(2)(ii) after three years if no charge in the case resulted in a disposition other than acquittal, dismissal, not guilty, or *nolle prosequi*. It also sets forth the notice requirements.
- Chapter 620 (Senate Bill 114) – *Criminal Procedure – Expungement of Conviction and Subsequent Offender Penalties – Driving while Privilege is Canceled, Suspended, Refused, or Revoked.* This legislation authorizes an individual to file a petition for expungement of a conviction for certain driving violations. It also reduces the subsequent offender provision.
- Chapter 681/Chapter 682 (House Bill 260/Senate Bill 187) – *Criminal Procedure*

– *Forensic Genetic Genealogical DNA Analysis, Searching, Regulation, and Oversight*. These bills prohibit law enforcement, absent a court order, from accessing private databases to do genetic profiling.

- Chapter 594/Chapter 595 (House Bill 366/Senate Bill 862) – *District Court Commissioners – Arrest Warrants – Recall and Issuance of a Summons*. These bills authorize District and Circuit Court judges, on a finding of good cause, to recall an arrest warrant issued by a District Court commissioner and to issue a summons in its place.
- Chapter 183/Chapter 184 (House Bill 277/Senate Bill 505) – *Criminal Law – First-Degree Child Abuse – Continuing Course of Conduct*. These bills establish that it is a violation of the State’s prohibition on first-degree child abuse to engage in a continuing course of conduct that includes three or more acts of second-degree child abuse.

Judge Mayer also commented on a number of bills that did not pass, including several related to circuit court judge elections, landlord and tenant, custody and visitation, judge training on implicit bias and cultural awareness, and expungement. A bill that would have decriminalized drug paraphernalia was passed by the legislature but vetoed by the Governor. She noted that a lot of the legislature’s time was devoted to addressing police reform legislation.

Chief Judge Barbera thanked Judge Mayer for her thorough presentation. Chief Judge Morrissey expressed his appreciation to everyone involved in the legislative process, noting that multiple departments from District Court Headquarters and the Administrative Office of the Courts are intimately involved, providing data and other necessary information as well as completing analyses to determine the fiscal and operational impact to the Judiciary of the various bills. He added that it was an unusual session with everything done virtually which limited the ability to visit and meet with legislators.

## **5. For the Good of the Order**

The Council presented Chief Judge Barbera with an engraved vase on the occasion of her impending retirement. The members expressed their appreciation and gratitude to Chief Judge Barbera for her leadership, commitment, and dedication.

There being no further business, the meeting adjourned at 12:35 p.m. The next meeting is scheduled for September 22, 2021, beginning 9:30 a.m.

Respectfully submitted,



Faye Gaskin