

HOUSE BILL 249

P1, K3

6lr1331

By: **Delegates Smith, Bromwell, Cluster, Folden, Hixson, Holmes, Jackson, Kipke, Knotts, Luedtke, Metzgar, Rey, Sanchez, Vogt, Waldstreicher, C. Wilson, and P. Young**

Introduced and read first time: January 25, 2016

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Members of the National Guard and Maryland Defense Force – Employment and**
3 **Reemployment Rights – Enforcement**

4 FOR the purpose of authorizing members of the National Guard and Maryland Defense
5 Force whose employment and reemployment rights under a certain provision of law
6 have been violated to bring a civil action for certain economic damages; authorizing
7 a court to award certain damages, fees, costs, and other relief to members of the
8 National Guard and Maryland Defense Force under certain circumstances; and
9 generally relating to the enforcement of the employment and reemployment rights
10 of members of the National Guard and Maryland Defense Force.

11 BY repealing and reenacting, with amendments,
12 Article – Public Safety
13 Section 13–704
14 Annotated Code of Maryland
15 (2011 Replacement Volume and 2015 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Public Safety**

19 13–704.

20 (a) The rights granted to members of the National Guard and Maryland Defense
21 Force by this section shall be in addition to the rights granted to them by federal law,
22 including the Servicemembers Civil Relief Act and the Uniformed Services Employment
23 and Reemployment Rights Act.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) The following provisions of federal law shall be adopted as State law and
2 applied to members of the National Guard and Maryland Defense Force:

3 (1) the Servicemembers Civil Relief Act applies only when members of the
4 National Guard or Maryland Defense Force are ordered to military duty under this title or
5 Title 10 or Title 32 of the United States Code for a period of 14 consecutive days or longer;
6 and

7 (2) the Uniformed Services Employment and Reemployment Rights Act
8 applies when members of the National Guard or Maryland Defense Force are ordered to
9 military duty under this title or Title 10 or Title 32 of the United States Code for any period
10 of time.

11 (c) (1) **A MEMBER OF THE NATIONAL GUARD OR MARYLAND DEFENSE**
12 **FORCE WHOSE EMPLOYMENT AND REEMPLOYMENT RIGHTS UNDER THIS SECTION**
13 **HAVE BEEN VIOLATED MAY BRING A CIVIL ACTION FOR ECONOMIC DAMAGES,**
14 **INCLUDING LOST WAGES AND BENEFITS.**

15 (2) **IF THE COURT DETERMINES THAT A MEMBER OF THE NATIONAL**
16 **GUARD OR MARYLAND DEFENSE FORCE IS ENTITLED TO JUDGMENT IN AN ACTION**
17 **FILED UNDER THIS SUBSECTION, THE COURT MAY AWARD THE MEMBER:**

18 (i) **ANY DAMAGES TO WHICH THE MEMBER MAY BE ENTITLED**
19 **UNDER SUBSECTION (A) OF THIS SECTION;**

20 (ii) **REASONABLE COUNSEL FEES AND OTHER COSTS; AND**

21 (iii) **ANY OTHER APPROPRIATE RELIEF.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2016.