

HOUSE BILL 519

D3

6lr1842
CF 6lr2400

By: **Delegates Smith and Morales**

Introduced and read first time: February 1, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Statute of Limitations – Civil Actions Arising Out of Human Rights**
3 **Abuses**

4 FOR the purpose of extending the statute of limitations for a certain civil action under
5 certain circumstances; establishing a certain statute of limitations for certain civil
6 actions under certain circumstances; defining certain terms; providing for the
7 application of this Act; making the provisions of this Act severable; and generally
8 relating to statutes of limitations for civil actions arising out of human rights
9 violations.

10 BY repealing and reenacting, with amendments,
11 Article – Courts and Judicial Proceedings
12 Section 5–105
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2015 Supplement)

15 BY adding to
16 Article – Courts and Judicial Proceedings
17 Section 5–120
18 Annotated Code of Maryland
19 (2013 Replacement Volume and 2015 Supplement)

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

22 **Article – Courts and Judicial Proceedings**
23 5–105.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [An] EXCEPT AS PROVIDED IN § 5-120 OF THIS SUBTITLE, AN action for assault,
2 libel, or slander shall be filed within one year from the date it accrues.

3 **5-120.**

4 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (2) "CRIME AGAINST HUMANITY" MEANS ANY OF THE FOLLOWING
7 ACTS COMMITTED AS PART OF A WIDESPREAD OR SYSTEMATIC ATTACK DIRECTED
8 AGAINST A CIVILIAN POPULATION:

9 (I) MURDER;

10 (II) EXTERMINATION;

11 (III) ENSLAVEMENT;

12 (IV) DEPORTATION OR FORCIBLE TRANSFER OF POPULATION;

13 (V) IMPRISONMENT;

14 (VI) RAPE, SEXUAL SLAVERY, FORCED PROSTITUTION, FORCED
15 PREGNANCY, FORCED STERILIZATION, OR OTHER SEXUAL VIOLENCE OF
16 COMPARABLE SEVERITY;

17 (VII) PERSECUTION OF AN IDENTIFIABLE POLITICAL, RACIAL,
18 NATIONAL, ETHNIC, CULTURAL, RELIGIOUS, OR GENDER GROUP;

19 (VIII) FORCED DISAPPEARANCE OF PERSONS; OR

20 (IX) SIMILAR ACTS CAUSING GREAT SUFFERING OR SERIOUS
21 BODILY OR MENTAL INJURY.

22 (3) "FEDERAL OFFENSE" MEANS:

23 (I) TORTURE AS DEFINED IN 18 U.S.C. § 2340;

24 (II) GENOCIDE AS DEFINED IN 18 U.S.C. § 1091;

25 (III) A WAR CRIME AS DEFINED IN 18 U.S.C. § 2441;

1 (IV) AN EXTRAJUDICIAL KILLING OR ATTEMPTED
2 EXTRAJUDICIAL KILLING AS DEFINED IN 28 U.S.C. § 1350 NOTE;

3 (V) FORCED LABOR AS DEFINED IN 18 U.S.C. § 1589;

4 (VI) HUMAN TRAFFICKING AS DEFINED IN 18 U.S.C. § 1590; OR

5 (VII) SEX TRAFFICKING AS DEFINED IN 18 U.S.C. § 1591.

6 (B) AN ACTION FOR THE FOLLOWING SHALL BE FILED WITHIN 10 YEARS
7 FROM THE DATE THE ACTION ACCRUES IF THE ACTION ARISES OUT OF CONDUCT
8 THAT IS A FEDERAL OFFENSE OR A CRIME AGAINST HUMANITY:

9 (1) AN ACTION FOR ASSAULT OR BATTERY;

10 (2) AN ACTION FOR FALSE IMPRISONMENT;

11 (3) AN ACTION FOR WRONGFUL DEATH; OR

12 (4) AN ACTION FOR BENEFITS UNDER AN INSURANCE POLICY.

13 (C) AN ACTION FOR THE TAKING OF PROPERTY IN VIOLATION OF
14 INTERNATIONAL LAW SHALL BE FILED WITHIN 10 YEARS FROM THE DATE THE CAUSE
15 OF ACTION ACCRUES IF THE PROPERTY OR ANY PROPERTY EXCHANGED FOR SUCH
16 PROPERTY IS:

17 (1) PRESENT IN THE UNITED STATES; OR

18 (2) OWNED OR OPERATED BY AN AGENCY OR INSTRUMENTALITY OF A
19 FOREIGN STATE THAT IS ENGAGED IN COMMERCIAL ACTIVITY IN THE UNITED
20 STATES.

21 (D) IN AN ACTION SUBJECT TO THE STATUTE OF LIMITATIONS UNDER THIS
22 SECTION, A PREVAILING PLAINTIFF MAY BE AWARDED REASONABLE ATTORNEY'S
23 FEES AND LITIGATION COSTS, INCLUDING EXPERT WITNESS FEES AND EXPENSES.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
25 apply retroactively and shall be applied to and interpreted to affect any cause of action
26 described in this Act arising on or after October 1, 2006.

27 SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
28 the application thereof to any person or circumstance is held invalid for any reason in a
29 court of competent jurisdiction, the invalidity does not affect other provisions or any other

1 application of this Act that can be given effect without the invalid provision or application,
2 and for this purpose the provisions of this Act are declared severable.

3 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2016.