

# SENATE BILL 705

D2  
SB 362/16 – JPR

7lr2403  
CF 7lr1989

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By: **Senators Muse, Kelley, Lee, Ramirez, and Smith**

Introduced and read first time: February 3, 2017

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Award of Attorney’s Fees and Expenses – Violation of Maryland Constitutional**  
3 **Right**

4 FOR the purpose of authorizing a court to award to a prevailing plaintiff reasonable  
5 attorney’s fees and expenses in certain actions seeking to remedy a violation of a  
6 Maryland constitutional right; authorizing a court to award reasonable attorney’s  
7 fees and expenses to a prevailing defendant under certain circumstances;  
8 establishing that certain limits on attorney’s fees under the Maryland Tort Claims  
9 Act do not apply to a certain award of attorney’s fees and expenses; providing for the  
10 application of this Act; and generally relating to awarding attorney’s fees and  
11 expenses in certain actions seeking to remedy a violation of a Maryland  
12 constitutional right.

13 BY adding to

14 Article – Courts and Judicial Proceedings  
15 Section 3–2101 and 3–2102 to be under the new subtitle “Subtitle 21. Award of  
16 Attorney’s Fees and Expenses – Violation of Maryland Constitutional Right”  
17 Annotated Code of Maryland  
18 (2013 Replacement Volume and 2016 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – State Government  
21 Section 12–109  
22 Annotated Code of Maryland  
23 (2014 Replacement Volume and 2016 Supplement)

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

26 **Article – Courts and Judicial Proceedings**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



