

SENATE BILL 473

E1
HB 1119/18 – JUD

9lr1001

By: **Senators Kramer, Augustine, Beidle, Benson, Carter, Elfreth, Ellis, Feldman, Ferguson, Griffith, Guzzone, Hayes, Hester, Kagan, Kelley, King, Klausmeier, Lam, Lee, McCray, Patterson, Peters, Pinsky, Rosapepe, Smith, Waldstreicher, Washington, Young, and Zucker**
Introduced and read first time: February 4, 2019
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Hate Crimes – Civil Remedy**

3 FOR the purpose of providing that a person who is aggrieved by an act that would constitute
4 a violation of certain hate crime laws, or the Attorney General on behalf of the
5 person, may bring a civil action against a certain person; authorizing the court to
6 impose an injunction and award certain damages; providing for the application of
7 this Act; and generally relating to the right to file a civil action for a hate crime.

8 BY adding to
9 Article – Criminal Law
10 Section 10–309
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2018 Supplement)

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

15 **Article – Criminal Law**

16 **10–309.**

17 **(A) A PERSON WHO IS AGGRIEVED BY AN ACT THAT WOULD CONSTITUTE A**
18 **VIOLATION OF THIS SUBTITLE, OR THE ATTORNEY GENERAL ON BEHALF OF THE**
19 **PERSON, MAY BRING A CIVIL ACTION AGAINST THE PERSON OR PERSONS WHO**
20 **COMMITTED THE ACT IN A COURT OF COMPETENT JURISDICTION.**

21 **(B) THE COURT MAY:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **(1) ISSUE AN INJUNCTION TO PREVENT OR RESTRAIN AN ACT THAT**
2 **WOULD CONSTITUTE A VIOLATION OF THIS SUBTITLE; AND**

3 **(2) AWARD DAMAGES IN ACCORDANCE WITH SUBSECTION (C) OF THIS**
4 **SECTION.**

5 **(C) (1) DAMAGES AWARDED BY A COURT UNDER THIS SECTION MAY**
6 **INCLUDE:**

7 **(I) ECONOMIC DAMAGES AND ANY OTHER PECUNIARY LOSS**
8 **SUSTAINED BY THE PLAINTIFF THAT WAS PROXIMATELY CAUSED BY THE VIOLATION**
9 **OF THIS SUBTITLE;**

10 **(II) NONECONOMIC DAMAGES, INCLUDING:**

11 1. **PAIN AND SUFFERING;**

12 2. **EMOTIONAL DISTRESS;**

13 3. **MENTAL ANGUISH;**

14 4. **LOSS OF ENJOYMENT;**

15 5. **LOSS OF COMPANIONSHIP, SERVICES, AND**
16 **CONSORTIUM; AND**

17 6. **OTHER NONPECUNIARY LOSS SUSTAINED BY THE**
18 **PLAINTIFF THAT WAS PROXIMATELY CAUSED BY THE ACT THAT WOULD CONSTITUTE**
19 **A VIOLATION OF THIS SUBTITLE; AND**

20 **(III) PUNITIVE DAMAGES AWARDED TO THE ATTORNEY**
21 **GENERAL IF THE ATTORNEY GENERAL BRINGS THE CIVIL ACTION.**

22 **(2) THE COURT MAY ALSO AWARD REASONABLE ATTORNEY'S FEES**
23 **AND COURT COSTS TO A PREVAILING PLAINTIFF OR TO THE ATTORNEY GENERAL IF**
24 **THE ATTORNEY GENERAL BRINGS THE CIVIL ACTION.**

25 **(D) DAMAGES AWARDED BY A COURT UNDER SUBSECTION (C)(1)(I) AND (II)**
26 **OF THIS SECTION MAY BE EQUAL TO THREE TIMES THE AMOUNT OF ACTUAL**
27 **DAMAGES.**

28 **(E) THIS SECTION DOES NOT AFFECT ANY LEGAL OR EQUITABLE RIGHT OR**

1 **REMEDY OTHERWISE PROVIDED BY LAW.**

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
3 apply only prospectively and may not be applied or interpreted to have any effect on or
4 application to any cause of action arising before the effective date of this Act.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2019.