

# SENATE BILL 128

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(PRE-FILED)

11r1227  
CF 11r2138

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By: **Senator Kramer**

Requested: October 29, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Hate Crimes – Civil Remedy**

3 FOR the purpose of providing that a person who is the victim of an act that would constitute  
4 a violation of certain hate crime laws may bring a civil action against a certain  
5 person; authorizing the court to impose an injunction and award certain damages;  
6 providing for the application of this Act; and generally relating to the right to file a  
7 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 2020 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 THE VICTIM OF AN ACT THAT WOULD CONSTITUTE A**  
18 **VIOLATION OF THIS SUBTITLE MAY BRING A CIVIL ACTION AGAINST THE PERSON OR**  
19 **PERSONS WHO COMMITTED THE ACT IN A COURT OF COMPETENT JURISDICTION.**

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

9                               1.    **PAIN AND SUFFERING;**

10                              2.    **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**  
11 **EMOTIONAL DISTRESS;**

12                              3.    **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**  
13 **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.**

20                   **(2)**    **THE COURT MAY ALSO AWARD REASONABLE ATTORNEY'S FEES**  
21 **AND COURT COSTS TO A PREVAILING PLAINTIFF.**

22                   **(3)**    **NONECONOMIC DAMAGES UNDER PARAGRAPH (1)(II)2 AND 3 OF**  
23 **THIS SUBSECTION MAY NOT INCLUDE EMOTIONAL DISTRESS OR MENTAL ANGUISH**  
24 **CAUSED SOLELY BY THE NEED TO REPLACE OR REPAIR PERSONAL OR REAL**  
25 **PROPERTY.**

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

28                   **(E)**    **THIS SECTION DOES NOT AFFECT ANY LEGAL OR EQUITABLE RIGHT OR**  
29 **REMEDY OTHERWISE PROVIDED BY LAW.**

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

4           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2021.