

# SENATE BILL 916

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CF HB 804

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By: **Senator McCray**

Introduced and read first time: February 9, 2021

Assigned to: Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 2021

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Taxes – Whistleblower Reward Program and Statute of Limitations for Tax**  
3 **Collections**

4 FOR the purpose of establishing a certain whistleblower reward program within the Office  
5 of the Comptroller; providing that a certain whistleblower who voluntarily provides  
6 certain information to the Comptroller shall be entitled to receive a certain monetary  
7 award under certain circumstances; providing for the determination and allocation  
8 of the amount of an award if two or more whistleblowers are eligible for the award;  
9 providing that the determination of the amount of the award shall be solely in the  
10 discretion of the Comptroller; requiring the Comptroller to consider certain factors  
11 in determining the amount of the award; authorizing a determination of the  
12 Comptroller under this Act to be challenged in accordance with certain provisions of  
13 law under certain circumstances; prohibiting a contract with the Comptroller or  
14 certain agencies from being required in order for a whistleblower to receive an award  
15 under this Act; requiring a whistleblower to be represented by counsel under certain  
16 circumstances; requiring a whistleblower to disclose certain information before the  
17 payment of an award claimed anonymously; requiring the Comptroller to provide  
18 certain notification to the whistleblower or the whistleblower's attorney in a certain  
19 manner under certain circumstances; providing that certain information is not  
20 subject to disclosure under the Maryland Public Information Act; prohibiting the  
21 Comptroller from disclosing certain information except under certain circumstances;  
22 authorizing the provision of certain information to certain regulatory and law  
23 enforcement authorities under certain circumstances and subject to certain  
24 conditions; prohibiting certain employers, contractors, or agents from taking certain  
25 adverse actions against an individual because of certain lawful acts by that

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 individual; authorizing an individual who is subject to certain adverse actions to  
 2 bring an action for certain relief; prohibiting the waiver of certain rights and  
 3 remedies provided under this Act; prohibiting an action to recover certain salary and  
 4 wages earned by a whistleblower under certain circumstances; requiring the  
 5 Comptroller to report certain information on the whistleblower enforcement program  
 6 to the General Assembly on or before a certain date each year; requiring the  
 7 Comptroller to adopt certain regulations; altering the period of time after which  
 8 certain taxes may not be collected; making a stylistic change; defining certain terms;  
 9 providing for the application and construction of certain provisions of this Act; and  
 10 generally relating to the collection and enforcement of State taxes.

11 BY adding to  
 12 Article – Tax – General  
 13 Section 1–401 through 1–408 to be under the new subtitle “Subtitle 4. Whistleblower  
 14 Reward Program”  
 15 Annotated Code of Maryland  
 16 (2016 Replacement Volume and 2020 Supplement)

17 BY repealing and reenacting, with amendments,  
 18 Article – Tax – General  
 19 Section 13–1103  
 20 Annotated Code of Maryland  
 21 (2016 Replacement Volume and 2020 Supplement)

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

24 **Article – Tax – General**

25 **SUBTITLE 4. WHISTLEBLOWER REWARD PROGRAM.**

26 **1–401.**

27 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
 28 **INDICATED.**

29 **(B) “COVERED ENFORCEMENT ACTION” MEANS AN ENFORCEMENT ACTION**  
 30 **BROUGHT BY THE COMPTROLLER UNDER THIS ARTICLE THAT CONCERNS:**

31 **(1) (I) THE STATE AND COUNTY INCOME TAX LIABILITY OF AN**  
 32 **INDIVIDUAL TAXPAYER OR A COUPLE THAT IS MARRIED AND FILES JOINTLY WHOSE**  
 33 **FEDERAL ADJUSTED GROSS INCOME IS AT LEAST \$250,000; OR**

34 **(II) THE STATE AND COUNTY TAX LIABILITY OF A BUSINESS,**  
 35 **INCLUDING THOSE PERSONS WHO ARE JOINTLY AND SEVERALLY LIABLE FOR THE**

1 STATE TAX LIABILITY OF A BUSINESS UNDER THIS ARTICLE, THE ANNUAL GROSS  
2 RECEIPTS OR SALES OF WHICH ARE AT LEAST \$2,000,000; AND

3 (2) ~~TAXES, PENALTIES, AND INTEREST~~ IN DISPUTE EXCEEDING  
4 \$250,000.

5 (C) "ORIGINAL INFORMATION" MEANS INFORMATION THAT:

6 (1) IS DERIVED FROM THE INDEPENDENT KNOWLEDGE OR ANALYSIS  
7 OF A WHISTLEBLOWER;

8 (2) IS NOT KNOWN TO THE COMPTROLLER FROM ANY OTHER SOURCE,  
9 UNLESS THE WHISTLEBLOWER IS THE ORIGINAL SOURCE OF THE INFORMATION;

10 (3) IS NOT EXCLUSIVELY DERIVED FROM AN ALLEGATION MADE IN A  
11 JUDICIAL OR ADMINISTRATIVE HEARING, IN A GOVERNMENTAL REPORT, HEARING,  
12 AUDIT, OR INVESTIGATION OR FROM THE NEWS MEDIA, UNLESS THE  
13 WHISTLEBLOWER IS A SOURCE OF THE INFORMATION; AND

14 (4) IS PROVIDED TO THE COMPTROLLER IN A SWORN AFFIDAVIT FOR  
15 THE FIRST TIME ON OR AFTER OCTOBER 1, 2021.

16 (D) "RELATED ACTION" MEANS ANY JUDICIAL OR ADMINISTRATIVE ACTION  
17 BROUGHT BY A STATE OR LOCAL AGENCY OR ENTITY BASED ON THE ORIGINAL  
18 INFORMATION PROVIDED BY A WHISTLEBLOWER TO THE COMPTROLLER UNDER  
19 THIS SUBTITLE.

20 (E) (1) "WHISTLEBLOWER" MEANS AN INDIVIDUAL OR ENTITY WHO  
21 PROVIDES, OR TWO OR MORE INDIVIDUALS OR ENTITIES ACTING JOINTLY WHO  
22 PROVIDE, IN ACCORDANCE WITH THIS SUBTITLE, INFORMATION TO THE  
23 COMPTROLLER IN A SWORN AFFIDAVIT RELATING TO A VIOLATION OF STATE TAX  
24 LAW, INCLUDING A RULE OR REGULATION, THAT HAS OCCURRED, IS ONGOING, OR IS  
25 ABOUT TO OCCUR.

26 (2) "WHISTLEBLOWER" INCLUDES AN INDIVIDUAL WHO PROVIDES  
27 INFORMATION TO A LAW ENFORCEMENT AGENCY BEFORE PROVIDING THE  
28 INFORMATION TO THE COMPTROLLER.

29 1-402.

30 (A) SUBJECT TO THE LIMITATIONS OF THIS SUBTITLE AND EXCEPT AS  
31 PROVIDED IN SUBSECTION (B) OF THIS SECTION, A WHISTLEBLOWER WHO  
32 VOLUNTARILY PROVIDES ORIGINAL INFORMATION TO THE COMPTROLLER IN A  
33 SWORN AFFIDAVIT THAT WAS THE BASIS FOR A SUCCESSFUL, BECAUSE OF THE

1 ORIGINAL INFORMATION, RESULTS IN A FINAL ASSESSMENT IN A COVERED  
2 ENFORCEMENT ACTION, OR A SUCCESSFUL OUTCOME AGAINST A TAXPAYER IN A  
3 RELATED ACTION, SHALL BE ENTITLED TO RECEIVE A MONETARY AWARD OF AT  
4 LEAST 15% BUT NOT EXCEEDING 30% OF THE TAXES, PENALTIES, AND INTEREST  
5 COLLECTED THROUGH THE ENFORCEMENT ACTION OR RELATED ACTION.

6 (B) A WHISTLEBLOWER WHO PROVIDES INFORMATION TO THE  
7 COMPTROLLER IN A SWORN AFFIDAVIT THAT IS RELATED TO ORIGINAL  
8 INFORMATION PREVIOUSLY REPORTED TO THE COMPTROLLER BY ANOTHER  
9 WHISTLEBLOWER WHO IS ELIGIBLE FOR AN AWARD UNDER SUBSECTION (A) OF THIS  
10 SECTION MAY NOT BE ENTITLED TO AN AWARD UNLESS THE INFORMATION  
11 PROVIDED BY THE WHISTLEBLOWER MATERIALLY ADDS TO THE INFORMATION  
12 PREVIOUSLY REPORTED TO THE COMPTROLLER.

13 (C) IF TWO OR MORE WHISTLEBLOWERS ARE ELIGIBLE FOR AN AWARD  
14 UNDER SUBSECTION (A) OF THIS SECTION ARISING OUT OF THE SAME COVERED  
15 ENFORCEMENT ACTION OR RELATED ACTION:

16 (1) THE TOTAL AWARD MAY NOT EXCEED 30% OF THE TAXES,  
17 PENALTIES, AND INTEREST COLLECTED THROUGH THE ENFORCEMENT ACTION OR  
18 RELATED ACTION; AND

19 (2) THE COMPTROLLER SHALL DETERMINE THE ALLOCATION OF THE  
20 AWARD AMONG THE ELIGIBLE WHISTLEBLOWERS.

21 **1-403.**

22 (A) (1) THE DETERMINATION OF THE AMOUNT OF AN AWARD MADE IN  
23 ACCORDANCE WITH § 1-402 OF THIS SUBTITLE SHALL BE SOLELY IN THE  
24 DISCRETION OF THE COMPTROLLER.

25 (2) IN DETERMINING THE AMOUNT OF THE AWARD, THE  
26 COMPTROLLER SHALL CONSIDER:

27 (I) THE SIGNIFICANCE OF THE INFORMATION PROVIDED BY  
28 THE WHISTLEBLOWER TO THE SUCCESS OF THE COVERED ENFORCEMENT ACTION  
29 OR RELATED ACTION;

30 (II) THE DEGREE OF ASSISTANCE PROVIDED BY THE  
31 WHISTLEBLOWER AND ANY LEGAL REPRESENTATIVE OF THE WHISTLEBLOWER IN  
32 THE COVERED ENFORCEMENT ACTION OR RELATED ACTION;

1 (III) THE AMOUNT OF THE UNPAID TAXES OWED THE STATE THAT  
2 MAY BE RECOVERED UNDER THE COVERED ENFORCEMENT ACTION OR RELATED  
3 ACTION;

4 (IV) THE INTEREST OF THE STATE IN DETERRING VIOLATIONS  
5 OF THIS ARTICLE AND PROMOTING THE REPORTING BY WHISTLEBLOWERS OF  
6 INFORMATION RELATING TO THOSE VIOLATIONS; AND

7 (V) ANY ADDITIONAL RELEVANT FACTORS THAT THE  
8 COMPTROLLER MAY ESTABLISH BY REGULATION.

9 ~~(3) IF THE WHISTLEBLOWER PLANNED OR INITIATED THE ACTIONS~~  
10 ~~THAT RESULTED IN AN UNDERPAYMENT OF TAXES AT ISSUE UNDER THE COVERED~~  
11 ~~ENFORCEMENT ACTION, THE COMPTROLLER MAY REDUCE AN AWARD UNDER THIS~~  
12 ~~SUBTITLE.~~

13 (B) AN AWARD MAY NOT BE PROVIDED TO A WHISTLEBLOWER IF THE  
14 COMPTROLLER DETERMINES THAT THE WHISTLEBLOWER:

15 (1) IS, OR WAS AT THE TIME THAT THE WHISTLEBLOWER ACQUIRED  
16 THE ORIGINAL INFORMATION PROVIDED TO THE COMPTROLLER, A MEMBER, AN  
17 OFFICER, OR AN EMPLOYEE OF A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT  
18 AGENCY RESPONSIBLE FOR THE ENFORCEMENT OF TAX-RELATED MATTERS;

19 (2) WAS CONVICTED OF A CRIMINAL VIOLATION RELATED TO THE  
20 COVERED ENFORCEMENT ACTION OR RELATED ACTION FOR WHICH THE  
21 WHISTLEBLOWER OTHERWISE COULD RECEIVE AN AWARD UNDER THIS SECTION; ~~OR~~

22 (3) COULD HAVE BEEN CONVICTED OF A CRIMINAL VIOLATION OR  
23 HELD PERSONALLY LIABLE FOR THE TAX LIABILITY RELATED TO THE COVERED  
24 ENFORCEMENT ACTION OR RELATED ACTION FOR WHICH THE WHISTLEBLOWER  
25 OTHERWISE COULD RECEIVE AN AWARD UNDER THIS SECTION HAD THE  
26 WHISTLEBLOWER PROVIDED THE ORIGINAL INFORMATION BEFORE THE  
27 EXPIRATION OF ANY APPLICABLE STATUTE OF LIMITATIONS FOR PROSECUTION OR  
28 ASSESSMENT OF THE WHISTLEBLOWER; OR

29 ~~(3)~~ (4) WHEN SUBMITTING INFORMATION UNDER THIS SUBTITLE,  
30 KNOWINGLY AND WILLFULLY MADE FALSE, FICTITIOUS, OR FRAUDULENT  
31 STATEMENTS TO THE COMPTROLLER OR USED ANY FALSE WRITING OR DOCUMENT  
32 KNOWING THE WRITING OR DOCUMENT CONTAINED A FALSE, FICTITIOUS, OR  
33 FRAUDULENT STATEMENT OR ENTRY.

34 (C) (1) A DETERMINATION OF THE COMPTROLLER UNDER THIS SECTION  
35 MAY BE CHALLENGED IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE

1 GOVERNMENT ARTICLE IF THE CHALLENGE IS BROUGHT WITHIN 45 DAYS OF THE  
2 DATE OF THE DETERMINATION.

3 **(2) IN BRINGING A CHALLENGE IN ACCORDANCE WITH PARAGRAPH**  
4 **(1) OF THIS SUBSECTION, THE WHISTLEBLOWER MAY NOT CHALLENGE:**

5 **(I) THE DECISION TO CONDUCT OR THE METHOD OF**  
6 **CONDUCTING AN INVESTIGATION ARISING FROM THE ORIGINAL INFORMATION**  
7 **PROVIDED BY THE WHISTLEBLOWER;**

8 **(II) THE AMOUNT OF ANY UNPAID TAXES, PENALTIES, OR**  
9 **INTEREST DUE TO THE STATE ARISING FROM THE ORIGINAL INFORMATION**  
10 **PROVIDED BY THE WHISTLEBLOWER;**

11 **(III) THE RESULT OF A COVERED ENFORCEMENT ACTION OR**  
12 **RELATED ACTION ARISING FROM THE ORIGINAL INFORMATION PROVIDED BY THE**  
13 **WHISTLEBLOWER; OR**

14 **(IV) ANY SETTLEMENT BETWEEN THE STATE AND A PERSON**  
15 **HAVING A TAX LIABILITY THAT ARISES FROM THE ORIGINAL INFORMATION**  
16 **PROVIDED BY THE WHISTLEBLOWER.**

17 **1-404.**

18 **(A) A CONTRACT WITH THE COMPTROLLER, THE OFFICE OF THE**  
19 **ATTORNEY GENERAL, OR ANY OTHER AGENCY MAY NOT BE REQUIRED IN ORDER**  
20 **FOR A WHISTLEBLOWER TO RECEIVE AN AWARD UNDER THIS SUBTITLE.**

21 **(B) (1) A WHISTLEBLOWER WHO MAKES A CLAIM FOR AN AWARD UNDER**  
22 **THIS SUBTITLE MAY BE REPRESENTED BY COUNSEL.**

23 **(2) (I) A WHISTLEBLOWER WHO ANONYMOUSLY MAKES A CLAIM**  
24 **FOR AN AWARD UNDER THIS SUBTITLE SHALL BE REPRESENTED BY COUNSEL IF THE**  
25 **WHISTLEBLOWER ANONYMOUSLY SUBMITS THE INFORMATION ON WHICH THE**  
26 **CLAIM IS BASED.**

27 **(II) BEFORE PAYMENT OF AN AWARD CLAIMED IN ACCORDANCE**  
28 **WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE WHISTLEBLOWER SHALL**  
29 **DISCLOSE THE WHISTLEBLOWER'S IDENTITY AND PROVIDE ANY OTHER**  
30 **INFORMATION THAT THE COMPTROLLER MAY REQUIRE, DIRECTLY OR THROUGH**  
31 **COUNSEL.**

1           **(3) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO IMPLY OR**  
2 **INFER THAT A WHISTLEBLOWER IS ENTITLED TO COMPENSATION FOR ANY COSTS OR**  
3 **ATTORNEY'S FEES INCURRED TO CLAIM AN AWARD UNDER THIS SUBTITLE.**

4           **(C) ~~(1)~~ WITHIN 15 DAYS AFTER RECEIVING ORIGINAL INFORMATION**  
5 **PROVIDED BY A WHISTLEBLOWER, THE COMPTROLLER SHALL PROVIDE WRITTEN**  
6 **NOTICE TO THE WHISTLEBLOWER OR, IF THE WHISTLEBLOWER IS REPRESENTED BY**  
7 **COUNSEL, THE WHISTLEBLOWER'S ATTORNEY THAT:**

8                   **~~(1)~~ (1) ACKNOWLEDGES THAT THE ORIGINAL INFORMATION**  
9 **HAS BEEN RECEIVED BY THE COMPTROLLER; AND**

10                   **~~(2)~~ (2) INDICATES THE NAME OF THE INDIVIDUAL IN THE**  
11 **COMPTROLLER'S OFFICE WHO SHALL SERVE AS A CONTACT WITH THE**  
12 **WHISTLEBLOWER.**

13                   ~~**(2) UNLESS AN INVESTIGATION OR COVERED ENFORCEMENT ACTION**~~  
14 ~~**IS TERMINATED BY THE COMPTROLLER, THE COMPTROLLER SHALL:**~~

15                   ~~**(I) WITHIN 90 DAYS AFTER NOTICE IS PROVIDED UNDER**~~  
16 ~~**PARAGRAPH (1) OF THIS SUBSECTION, NOTIFY THE WHISTLEBLOWER OF THE**~~  
17 ~~**STATUS OF THE INVESTIGATION AND ANY ACTION TAKEN BY THE COMPTROLLER**~~  
18 ~~**SINCE THE RECEIPT OF THE ORIGINAL INFORMATION;**~~

19                   ~~**(II) AT LEAST EVERY 120 DAYS AFTER NOTICE IS PROVIDED**~~  
20 ~~**UNDER ITEM (I) OF THIS PARAGRAPH, NOTIFY THE WHISTLEBLOWER OF THE STATUS**~~  
21 ~~**OF THE INVESTIGATION AND ANY ACTION TAKEN BY THE COMPTROLLER SINCE THE**~~  
22 ~~**PREVIOUS NOTICE; AND**~~

23                   ~~**(III) NOTIFY THE WHISTLEBLOWER OF THE STATUS OF THE**~~  
24 ~~**INVESTIGATION AND ANY ACTION TAKEN BY THE COMPTROLLER AT ANY TIME AS**~~  
25 ~~**DETERMINED TO BE APPROPRIATE BY THE COMPTROLLER.**~~

26           **(D) (1) INFORMATION THAT COULD REASONABLY BE EXPECTED TO**  
27 **REVEAL THE IDENTITY OF THE WHISTLEBLOWER IS NOT SUBJECT TO DISCLOSURE**  
28 **UNDER THE PUBLIC INFORMATION ACT.**

29                   **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**  
30 **THE COMPTROLLER MAY NOT DISCLOSE ANY INFORMATION THAT COULD**  
31 **REASONABLY BE EXPECTED TO REVEAL THE IDENTITY OF THE WHISTLEBLOWER**  
32 **UNLESS THAT INFORMATION IS REQUIRED TO BE DISCLOSED TO A PARTY IN**  
33 **CONNECTION WITH AN ACTION OR PROCEEDING BROUGHT BY THE COMPTROLLER**  
34 ~~**OR A LAWFULLY ISSUED SUBPOENA BY A FEDERAL OR STATE LAW ENFORCEMENT**~~  
35 ~~**AUTHORITY, OR OTHERWISE BY COURT ORDER.**~~

1           **(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AS**  
2 **DETERMINED BY THE COMPTROLLER TO BE NECESSARY TO ACCOMPLISH THE**  
3 **PURPOSES OF THIS ARTICLE, INFORMATION THAT COULD BE EXPECTED TO REVEAL**  
4 **THE IDENTITY OF A WHISTLEBLOWER MAY BE MADE AVAILABLE TO APPROPRIATE**  
5 **REGULATORY AND LAW ENFORCEMENT AUTHORITIES OF THIS STATE, ANOTHER**  
6 **STATE, THE FEDERAL GOVERNMENT, A FOREIGN GOVERNMENT, OR**  
7 **SELF-REGULATORY ORGANIZATIONS.**

8           **(II) AN AUTHORITY TO WHICH THE COMPTROLLER MAKES**  
9 **INFORMATION AVAILABLE IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS**  
10 **PARAGRAPH SHALL AGREE TO MAINTAIN THAT INFORMATION IN ACCORDANCE WITH**  
11 **ANY ASSURANCES OF CONFIDENTIALITY THAT THE COMPTROLLER DEEMS**  
12 **APPROPRIATE.**

13 **1-405.**

14           **(A) A CURRENT OR PROSPECTIVE EMPLOYER, CONTRACTOR, OR AGENT**  
15 **MAY NOT DISCHARGE, DEMOTE, SUSPEND, THREATEN, OR HARASS, DIRECTLY OR**  
16 **INDIRECTLY, OR IN ANY OTHER MANNER DISCRIMINATE OR RETALIATE AGAINST AN**  
17 **INDIVIDUAL IN THE TERMS AND CONDITIONS OF EMPLOYMENT BECAUSE OF A**  
18 **LAWFUL ACT DONE BY THAT INDIVIDUAL:**

19           **(1) IN PROVIDING INFORMATION TO THE COMPTROLLER OR A LAW**  
20 **ENFORCEMENT AGENCY CONCERNING A POSSIBLE VIOLATION OF STATE TAX LAW,**  
21 **INCLUDING A RULE OR REGULATION, THAT HAS OCCURRED, IS ONGOING, OR IS**  
22 **ABOUT TO OCCUR;**

23           **(2) IN INITIATING, TESTIFYING IN, OR ASSISTING IN AN**  
24 **INVESTIGATION OR JUDICIAL OR ADMINISTRATIVE ACTION OF THE COMPTROLLER**  
25 **OR LAW ENFORCEMENT AGENCY OR A RELATED ACTION;**

26           **(3) IN REPORTING A VIOLATION OF THIS TITLE TO ANOTHER**  
27 **GOVERNMENTAL ENTITY OR TO A DIRECTOR, SUPERVISOR, OR COMPLIANCE**  
28 **OFFICER OF THE EMPLOYER, CONTRACTOR, OR AGENT; OR**

29           **(4) IN REFUSING OR DECLINING ANY AGREEMENT THAT WOULD**  
30 **PROVIDE FOR ARBITRATION OF CLAIMS ARISING UNDER THIS ARTICLE.**

31           **(B) (1) AN INDIVIDUAL WHO IS DISCHARGED, DEMOTED, SUSPENDED,**  
32 **THREATENED, HARASSED, OR IN ANY OTHER MANNER DISCRIMINATED OR**  
33 **RETALIATED AGAINST IN THE TERMS AND CONDITIONS OF EMPLOYMENT OR IS**  
34 **OTHERWISE HARMED OR PENALIZED BY AN EMPLOYER OR A PROSPECTIVE**



1 EMPLOYER IN VIOLATION OF SUBSECTION (A) OF THIS SECTION SHALL BE ENTITLED  
2 TO ALL RELIEF NECESSARY TO MAKE THE INDIVIDUAL WHOLE, INCLUDING:

3 (I) AN INJUNCTION TO RESTRAIN CONTINUED  
4 DISCRIMINATION;

5 (II) HIRING, CONTRACTING, OR REINSTATEMENT TO THE  
6 POSITION THAT THE INDIVIDUAL WOULD HAVE HAD BUT FOR THE DISCRIMINATION  
7 OR TO AN EQUIVALENT POSITION;

8 (III) REINSTATEMENT OF FULL FRINGE BENEFITS AND  
9 SENIORITY RIGHTS;

10 (IV) COMPENSATION FOR LOST WAGES, BENEFITS, AND OTHER  
11 REMUNERATION, PLUS INTEREST;

12 (V) REMOVAL OF ANY ADVERSE PERSONNEL RECORD ENTRIES  
13 BASED ON OR RELATED TO THE VIOLATION; AND

14 (VI) COMPENSATION FOR ANY SPECIAL DAMAGES SUSTAINED AS  
15 A RESULT OF THE DISCRIMINATION, INCLUDING LITIGATION COSTS AND  
16 REASONABLE ATTORNEY'S FEES.

17 (2) AN INDIVIDUAL SEEKING RELIEF UNDER THIS SUBSECTION MAY  
18 BRING AN ACTION IN THE APPROPRIATE CIRCUIT COURT FOR RELIEF.

19 (3) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO LIMIT THE  
20 RIGHTS, PRIVILEGES, OR REMEDIES OF A WHISTLEBLOWER UNDER FEDERAL OR  
21 STATE LAW OR UNDER A COLLECTIVE BARGAINING AGREEMENT.

22 (c) (1) THE RIGHTS AND REMEDIES PROVIDED FOR UNDER THIS SECTION  
23 MAY NOT BE WAIVED BY AN AGREEMENT, A POLICY FORM, OR A CONDITION OF  
24 EMPLOYMENT.

25 (2) SALARY AND WAGES EARNED BY A WHISTLEBLOWER DURING THE  
26 WHISTLEBLOWER'S EMPLOYMENT AND ANY CONSIDERATION PROVIDED TO THE  
27 WHISTLEBLOWER IN CONNECTION WITH THE WHISTLEBLOWER'S SEVERANCE FROM  
28 EMPLOYMENT MAY NOT BE RECOVERED BY ANY ACTION BROUGHT BY THE  
29 EMPLOYER IF THE SALARY, WAGES, OR CONSIDERATION IS RELATED TO ORIGINAL  
30 INFORMATION PROVIDED BY THE WHISTLEBLOWER OR THE COVERED  
31 ENFORCEMENT ACTION.

32 1-406.

1           **NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO:**

2           **(1)    PREEMPT, LIMIT, OR RESTRICT THE AUTHORITY OR DISCRETION**  
3 **OF THE COMPTROLLER TO INVESTIGATE OR ENFORCE A VIOLATION OF THIS**  
4 **ARTICLE;**

5           **(2)    LIMIT ANY POWER OTHERWISE GRANTED IN THIS ARTICLE OR**  
6 **OTHER LAWS TO THE COMPTROLLER, ATTORNEY GENERAL, STATE AGENCIES, OR**  
7 **LOCAL GOVERNMENTS TO INVESTIGATE OR ENFORCE POSSIBLE VIOLATIONS OF**  
8 **THIS ARTICLE;**

9           **(3)    AUTHORIZE A PRIVATE RIGHT OF ACTION INVOLVING A**  
10 **VIOLATION OF THIS ARTICLE, EXCEPT AS SPECIFICALLY AUTHORIZED IN THIS**  
11 **ARTICLE;**

12           **(4)    PREVENT OR PROHIBIT A PERSON FROM VOLUNTARILY**  
13 **DISCLOSING ANY INFORMATION CONCERNING A VIOLATION OF THIS ARTICLE TO**  
14 **ANY LAW ENFORCEMENT AGENCY OR SELF-REGULATORY ORGANIZATION; OR**

15           **(5)    PREEMPT, LIMIT, RESTRICT, OR OTHERWISE AFFECT THE RIGHTS**  
16 **AND REWARDS PROVIDED TO QUI TAM PLAINTIFFS UNDER THE MARYLAND FALSE**  
17 **CLAIMS ACT.**

18 **1-407.**

19           **ON OR BEFORE DECEMBER 31, 2022, AND EACH DECEMBER 31 THEREAFTER,**  
20 **THE COMPTROLLER SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH**  
21 **§ 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON:**

22           **(1)    THE TOTAL NUMBER OF CASES REPORTED BY WHISTLEBLOWERS**  
23 **DURING THE PREVIOUS FISCAL YEAR;**

24           **(2)    THE NUMBER OF CASES THAT RESULTED IN A PAYOUT TO A**  
25 **WHISTLEBLOWER DURING THE PREVIOUS FISCAL YEAR;**

26           **(3)    THE TOTAL AMOUNT OF TAXES COLLECTED BY THE STATE DURING**  
27 **THE PREVIOUS FISCAL YEAR AS A RESULT OF THE ORIGINAL INFORMATION**  
28 **PROVIDED BY WHISTLEBLOWERS; AND**

29           **(4)    THE TOTAL AMOUNT OF REWARDS PAID TO WHISTLEBLOWERS**  
30 **UNDER THIS SUBTITLE DURING THE PREVIOUS FISCAL YEAR.**

31 **1-408.**

