

**Department of Legislative Services**  
Maryland General Assembly  
2021 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 363

(Senator McCray)

Judicial Proceedings

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**Courts – Improperly Summoning a Police Officer – Civil Liability**

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This bill creates a civil right of action for damages against a person who has knowingly and with specified intent, caused police contact with another. Specifically, the bill authorizes a person (the plaintiff) to bring a civil cause of action for damages against another person (the defendant) who knowingly causes a police officer to arrive at a location to contact the person with the intent to (1) infringe on the person’s State or federal constitutional rights; (2) unlawfully discriminate against the person; (3) cause the person to feel harassed, humiliated, or embarrassed or be expelled from a place the person is lawfully entitled to be; or (4) damage the person’s reputation or standing within the community or financial, economic, consumer, or business prospects or interests. A person entitled to bring the civil action may recover (1) the greater of economic and noneconomic damages, including damages for emotional distress, or statutory damages of \$10,000 against each defendant found liable and (2) punitive damages. The bill does not limit any other legal remedy to which the plaintiff is entitled.

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**Fiscal Summary**

**State Effect:** The bill is not anticipated to materially affect State finances or operations, including the workload of the Judiciary.

**Local Effect:** The bill is not expected to materially affect local finances or operations, including circuit court caseloads.

**Small Business Effect:** None.

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## Analysis

**Current Law:** There are no statutory provisions directly applicable to the bill.

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### Additional Information

**Prior Introductions:** HB 1115 of 2020 received a hearing in the House Judiciary Committee, but no further action was taken. SB 436, its cross file, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

**Designated Cross File:** HB 227 (Delegate Charles) - Judiciary.

**Information Source(s):** Anne Arundel, Baltimore, Charles, Frederick, and Somerset counties; City of Havre de Grace; Maryland State Treasurer's Office; Judiciary (Administrative Office of the Courts); Department of State Police; Department of Legislative Services

**Fiscal Note History:** First Reader - January 19, 2021  
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