

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1124
Judiciary

(Delegate Acevero)

Civil Actions - Nonprofit Organizations - Unauthorized Support of Israeli
Settlement Activity (Not on Our Dime Act)

This bill (1) prohibits certain nonprofit organizations from knowingly engaging in “unauthorized support of Israeli settlement activity”; (2) authorizes the Attorney General or a person harmed by a violation to bring an action against a nonprofit organization that violates this prohibition; and (3) requires the Secretary of State (SOS) to remove a nonprofit organization from the Registry of Charitable Solicitation following receipt of certain notice.

Fiscal Summary

State Effect: While the bill has an operational impact on SOS, it is not anticipated to materially affect SOS expenditures. Depending on actual litigation experienced under the bill, general fund expenditures for the Office of the Attorney General (OAG) may increase, as discussed below. Revenues may increase from damages awarded and collected in cases filed pursuant to the bill.

Local Effect: The bill is not anticipated to materially affect local government finances or operations.

Small Business Effect: None. Nonprofit organizations are not considered small businesses.

Analysis

Bill Summary: A nonprofit organization registered with SOS to solicit charitable donations in the State may not knowingly engage in “unauthorized support of Israeli settlement activity,” as defined under the bill.

The Attorney General may bring an action for injunctive relief and damages on behalf of the State or any of its political subdivisions against a director, an officer, a partner, a trustee, a manager, or any other agent of a nonprofit organization that violates this prohibition. The Attorney General may not seek less than \$1.0 million in damages in such an action. A person harmed by a violation of this prohibition may bring an action for injunctive relief and actual damages against a director, an officer, a partner, a trustee, a manager, or any other agent of a nonprofit organization that violates the prohibition. In addition to injunctive relief and actual damages, a court may award attorney's fees to a prevailing plaintiff. An action may be brought in any county in the State. The statute of limitations for this cause of action is 10 years after the date of the occurrence of the act on which the claim is based.

On notice from the Attorney General or a prevailing plaintiff of a judgment entered against a nonprofit organization under the bill's provisions, SOS must remove the nonprofit organization from the Registry of Charitable Solicitation.

“Unauthorized support of Israeli settlement activity” means aiding and abetting activity of the government of Israel, or a citizen of Israel, that is banned under the Geneva Conventions signed August 12, 1949, as amended, and their additional Protocols, to which the United States is a party, including (1) the unlawful transfer of Israeli civilians into occupied territory; (2) acts of violence against protected persons by citizens of Israel living in occupied territories; (3) crimes against property; (4) the unilateral acquisition and annexation of land in occupied territory; (5) the forced transfer or eviction of protected persons within occupied territory, or the deportation of protected persons from occupied territory; and (6) the destruction of infrastructure within occupied territory.

Current Law:

Secretary of State

Registration and Oversight of Charitable Organizations: SOS registers and oversees charitable organizations in the State and maintains an [online database](#) of registered entities.

A charitable organization is a person that:

- is or holds itself out to be a benevolent, educational, eleemosynary, humane, patriotic, philanthropic, or religious organization; and
- either (1) solicits or receives charitable contributions from the public or (2) is an ambulance, firefighting, fraternal, rescue, or police or other law enforcement organization when it solicits charitable contributions from the public.

A charitable organization must register and receive a registration letter from SOS before it (1) solicits charitable contributions in the State; (2) has charitable contributions solicited on its behalf in the State; or (3) solicits charitable contributions outside the State if the organization is in the State.

A registered charitable organization must submit an annual report to SOS, as specified. SOS may exempt an organization from registration and reporting requirements if the charitable organization (1) is organized under the laws of another state that has a statute similar to Maryland's; (2) has been exempted from the submission of a registration statement by the other state; (3) has a principal place of business outside the State; and (4) gets its money principally from sources outside the State.

Auditing Requirements: In addition to other information and materials necessary to complete the registration statement, charitable organizations must submit an audit by a certified public accountant (CPA) if the gross income from contributions in the most recent fiscal year is at least \$750,000, or a review by an independent CPA if the gross income from contributions from the last fiscal year is at least \$300,000 but less than \$750,000. SOS may accept other documentation in place of either the audit or the review but may also require an audit or review if the amount of gross income is less than \$750,000. SOS retains the authority to require an audit or review under the bill.

Enforcement: SOS or the Attorney General may investigate an alleged violation of *Title 6 of the Business Regulation Article*. SOS or the Attorney General are authorized to take specified actions if they find or have reasonable grounds to believe that a charitable organization, charitable representative, or public safety solicitor has violated Title 6, including issuing a cease and desist order to the violator, if either makes specified findings. If SOS or the Attorney General issues a cease and desist order to a person, the person may request a hearing from SOS; SOS must hold a hearing within 30 days after the request is submitted in accordance with specified provisions of the Administrative Procedure Act.

The Attorney General may sue in the circuit court for the county in which the alleged violation occurred for an order that restrains further violation of Title 6; restrains the defendant from making further charitable or public safety solicitations in the State; recovers civil penalties for the State, as specified; enforces compliance with Title 6; or secures any other appropriate relief.

State Expenditures:

Secretary of State

SOS advises that the bill requires the office to (1) list the relevant charities as no longer registered to solicit charitable contributions; (2) follow up or monitor these organizations

to ensure that an organization that is no longer registered stops soliciting in Maryland; and (3) take enforcement action against organizations that are still soliciting without being registered. While SOS advises generally that this process may consume a significant amount of time, it cannot estimate the number of organizations impacted by the bill.

Office of the Attorney General

To the extent circumstances warrant initiating litigation *and* OAG chooses to file suit, additional OAG staff may be necessary as the Civil Division within OAG likely lacks sufficient personnel to handle this work. However, any such impact cannot be reliably estimated without actual experience under the bill. *For illustrative purposes only*, the cost to hire one assistant Attorney General is \$101,437 in fiscal 2025 and increases to \$139,863 by fiscal 2029. OAG further advises that the bill may have an operational and fiscal impact on OAG resources within SOS, including the need for experts (*e.g.*, corporate governance and financial experts) to assist with investigation and analysis and witnesses that have a specialized knowledge of the international laws that may be at issue.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced during the last three years.

Designated Cross File: None.

Information Source(s): Office of the Attorney General; Secretary of State; Judiciary (Administrative Office of the Courts); Department of Legislative Services

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