

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE
Revised

Senate Bill 347 (Senator Collins)(Baltimore County Administration)
Judicial Proceedings Referred to Commerce and Government Matters

Baltimore County - Discrimination Laws - Civil Actions

This amended bill authorizes an individual who is subject to an act of discrimination prohibited by the Baltimore County code and is employed by an employer with fewer than 15 employees to bring a civil action against the employer who committed the alleged discriminating act. The action must be commenced in the Circuit Court for Baltimore County within two years of the date of the alleged discriminatory act. The court may allow the prevailing party injunctive relief, compensatory damages, or both. Punitive damages may not be awarded.

The bill is to be construed only prospectively. The bill becomes void if the General Assembly enacts legislation that grants the Maryland Commission on Human Relations jurisdiction over discrimination complaints against an employer with one or more employees and that provides for remedies comparable to the remedies provided in this bill.

Fiscal Summary

State Effect: None. The bill would not directly affect State finances or operations.

Local Effect: Minimal. The Circuit Court of Baltimore County could handle any increase in the number of civil filings with existing resources. Any increase in revenues due to increased court fees is assumed to be minimal.

Small Business Effect: Potential meaningful impact on small businesses as discussed below.

Fiscal Analysis

Small Business Effect: Under current case law, small businesses with less than 15 employees are subject to unlimited liability as to specified forms of injunctive relief, including compensatory and punitive damages. This bill limits the liability for employers in Baltimore County with fewer than 15 employees in two ways: (1) action must be brought within two years of the alleged occurrence of a discriminatory act; and (2) awards for punitive damages are not allowed. These limitations reduce the costs that such small businesses could incur if an employee prevails in a discrimination case.

Information Source(s): Judiciary (Administrative Office of the Courts), Maryland Commission on Human Relations, Department of Fiscal Services

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