

SENATE BILL 104

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2001 Regular Session
11r0685

By: **Senators Kelley, Blount, Conway, Currie, Hollinger, Hughes, Lawlah,
McFadden, Mitchell, Ruben, and Sfikas**

Introduced and read first time: January 15, 2001

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Human Relations Commission - Hearings - Relief**

3 FOR the purpose of altering various provisions of the Maryland Human Relations
4 Commission law; clarifying that a complaint of discrimination and certain
5 documents must be certified to the general counsel of the Commission; requiring
6 that the Executive Director of the Commission, rather than the Commission
7 chairman, cause a certain notice to be issued and served; requiring that an
8 administrative law judge, rather than a hearing examiner, hear certain cases;
9 providing a process for electing to file a civil action rather than have a case
10 heard by the Office of Administrative Hearings; providing a process for the filing
11 of a civil action by the Commission; expanding the relief available for acts of
12 discrimination to include the award of compensatory damages to the
13 complainant, subject to certain limitations; authorizing the award of punitive
14 damages to a complainant, and the award of attorney fees and expert witness
15 fees to a complainant and to the Commission, under certain circumstances;
16 making stylistic changes; providing for the application of this Act; and generally
17 relating to hearings and relief under the Maryland Human Relations
18 Commission law.

19 BY repealing and reenacting, with amendments,
20 Article 49B - Human Relations Commission
21 Section 11
22 Annotated Code of Maryland
23 (1998 Replacement Volume and 2000 Supplement)

24 BY adding to
25 Article 49B - Human Relations Commission
26 Section 11A through 11C
27 Annotated Code of Maryland
28 (1998 Replacement Volume and 2000 Supplement)

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

1 **Article 49B - Human Relations Commission**

2 11.

3 (a) (1) In case of failure to reach an agreement for the elimination of the acts
4 of discrimination and upon the entry of findings to that effect, the entire file including
5 the complaint and any and all findings made shall be certified to THE GENERAL
6 COUNSEL OF THE COMMISSION. The [Chairman] EXECUTIVE DIRECTOR OF THE
7 COMMISSION shall cause a written notice to be issued and served in the name of the
8 Commission together with a copy of the complaint requiring the respondent to answer
9 the charges of the complaint at a public hearing [before a hearing examiner at a time
10 and place certified in the notice]:

11 (I) BEFORE AN ADMINISTRATIVE LAW JUDGE, AT A TIME AND
12 PLACE CERTIFIED IN THE NOTICE; OR

13 (II) IN A CIVIL ACTION ELECTED UNDER § 11A OF THIS SUBTITLE BY
14 A COMPLAINANT OR RESPONDENT.

15 (2) [The] IF A CIVIL ACTION IS NOT ELECTED UNDER § 11A OF THIS
16 SUBTITLE, THE case shall [thereupon] be heard by [a hearing examiner] AN
17 ADMINISTRATIVE LAW JUDGE and the hearing shall be held in the county where the
18 alleged act of discrimination took place. A transcript of all testimony at the hearing
19 shall be made. The case in support of the complaint shall be presented at the hearing
20 by the general counsel of the Commission.

21 (b) The respondent may file a written answer to the complaint and appear at
22 the hearing in person, or otherwise, with or without counsel. The respondent may
23 submit testimony and shall be fully heard. He may examine and cross-examine
24 witnesses.

25 (c) The Commission may permit reasonable amendment to be made to any
26 complaint or answer. Testimony taken at the hearing shall be under oath and
27 recorded.

28 (d) (1) In the administration and enforcement of the provisions of these
29 several subtitles, the Commission has power to:

30 (i) Administer oaths and to issue subpoenas;

31 (ii) Compel the attendance and testimony of witnesses; and

32 (iii) Compel the production of books, papers, records and documents
33 relevant or necessary for proceedings under the particular subtitle.

34 (2) Any subpoena shall be served by:

35 (i) Certified mail, requesting restricted delivery - Show to whom,
36 date, address of delivery; or

- 1 (ii) Personal service of process by:
- 2 1. An employee of the Commission;
- 3 2. Any person who is not a party and is not less than 18 years
4 of age; or
- 5 3. The sheriff or deputy sheriff of the political subdivision in
6 which is located the residence of the person or the main office of the firm, association,
7 partnership or corporation against whom or which the subpoena is issued.

8 (3) (i) In case of disobedience to a subpoena, the Commission may
9 apply to a circuit court in any county for an order requiring the attendance and
10 testimony of witnesses and the production of books, papers, records, and documents.

11 (ii) In case of contumacy or refusal to obey a subpoena for the
12 attendance of a witness or the production of books, papers, records, and documents,
13 after notice to the person subpoenaed as a witness or directed to produce books,
14 papers, records and documents, and upon a finding that the attendance and
15 testimony of the witness or the production of the books, papers, records and
16 documents is relevant or necessary for the proceedings of the Commission, the court
17 may issue an order requiring the attendance and testimony of the witness and the
18 production of the books, papers, records and documents.

19 (iii) Any failure to obey such an order of the court may be punished
20 by the court as a contempt thereof.

21 (iv) An order issued by the court under this subsection shall be
22 served on the person to whom it is directed by the sheriff or deputy sheriff of the
23 political subdivision where the residence or main office of the person is located.

24 (e) (1) If, [upon] AFTER REVIEWING all OF the evidence, the [hearing
25 examiner] ADMINISTRATIVE LAW JUDGE finds that the respondent has engaged in
26 any discriminatory act within the scope of [any of these subtitles] THIS ARTICLE, the
27 [hearing examiner] ADMINISTRATIVE LAW JUDGE shall so state the findings. The
28 [hearing examiner] ADMINISTRATIVE LAW JUDGE shall issue and cause to be served
29 upon the respondent an order requiring the respondent to cease and desist from the
30 discriminatory acts and to take affirmative action to effectuate the purposes of the
31 particular subtitle.

32 (2) If the respondent is found to have engaged in or to be engaging in an
33 unlawful employment practice charged in the complaint, the remedy may include[,
34 but is not limited to, reinstatement]:

35 (I) THE REINSTATEMENT or hiring of employees, with or without
36 back pay (payable by the employer, employment agency, or labor organization, as the
37 case may be, responsible for the unlawful employment practice)[, or any];

38 (II) COMPENSATORY DAMAGES; OR

1 (III) ANY other equitable relief that is deemed appropriate.

2 (3) COMPENSATORY DAMAGES AWARDED UNDER THIS SUBSECTION ARE
3 IN ADDITION TO:

4 (I) ANY BACK PAY OR INTEREST ON BACK PAY THAT A
5 COMPLAINANT MAY RECOVER UNDER ANY OTHER PROVISION OF LAW; OR

6 (II) ANY EQUITABLE RELIEF THAT A COMPLAINANT MAY RECOVER
7 UNDER ANY OTHER PROVISION OF LAW.

8 (4) FOR EACH COMPLAINANT, THE SUM OF THE AMOUNT OF
9 COMPENSATORY DAMAGES AWARDED UNDER THIS SECTION FOR FUTURE
10 PECUNIARY LOSSES, EMOTIONAL PAIN, SUFFERING, INCONVENIENCE, MENTAL
11 ANGUISH, LOSS OF ENJOYMENT OF LIFE, OR NONPECUNIARY LOSSES, MAY NOT
12 EXCEED:

13 (I) IN THE CASE OF A RESPONDENT WHO EMPLOYS NOT FEWER
14 THAN 15 AND NOT MORE THAN 100 EMPLOYEES IN EACH OF 20 OR MORE CALENDAR
15 WEEKS IN THE CURRENT OR PRECEDING CALENDAR YEAR, \$50,000;

16 (II) IN THE CASE OF A RESPONDENT WHO EMPLOYS NOT FEWER
17 THAN 101 AND NOT MORE THAN 200 EMPLOYEES IN EACH OF 20 OR MORE CALENDAR
18 WEEKS IN THE CURRENT OR PRECEDING CALENDAR YEAR, \$100,000;

19 (III) IN THE CASE OF A RESPONDENT WHO EMPLOYS NOT FEWER
20 THAN 201 AND NOT MORE THAN 500 EMPLOYEES IN EACH OF 20 OR MORE CALENDAR
21 WEEKS IN THE CURRENT OR PRECEDING CALENDAR YEAR, \$200,000; AND

22 (IV) IN THE CASE OF A RESPONDENT WHO EMPLOYS NOT FEWER
23 THAN 501 EMPLOYEES IN EACH OF 20 OR MORE CALENDAR WEEKS IN THE CURRENT
24 OR PRECEDING CALENDAR YEAR, \$300,000.

25 (5) The award of [monetary relief] BACK PAY UNDER PARAGRAPH (3) OF
26 THIS SUBSECTION shall be limited to a 36-month period. The complainant may not be
27 awarded [monetary relief] BACK PAY for losses incurred between the time of the
28 Commission's final determination and the final determination by the circuit court or
29 higher appellate court, as the case may be. Interim earning or amounts [earnable]
30 EARNED with reasonable diligence by the person or persons discriminated against
31 shall operate to reduce the [monetary relief] BACK PAY otherwise allowable. THE
32 ADMINISTRATIVE LAW JUDGE ALSO MAY AWARD ATTORNEY FEES AND EXPERT
33 WITNESS FEES TO THE COMMISSION. In cases of discrimination other than those
34 involving employment, in addition to the award of civil penalties as specifically
35 provided in this article, nonmonetary relief may be granted to the complainant,
36 except that in no event shall an order be issued that substantially affects the cost,
37 level, or type of any transportation services. In cases involving transportation services
38 which are supported fully or partially with funds from the Maryland Department of
39 Transportation, no order may be issued which would require costs, level, or type of
40 transportation services different from or in excess of those required to meet U.S.
41 Department of Transportation regulations adopted pursuant to Section 504 of the

1 Rehabilitation Act of 1973, codified as 29 U.S.C. § 794, nor would any such order be
2 enforceable under Section 12(a) of this subtitle.

3 (f) The provisions of subsection (e) granting the authority to award monetary
4 relief to a complainant shall apply only to those complaints filed with the Commission
5 on or after July 1, 1977.

6 (g) If upon all the evidence, the hearing examiner or the Commission finds
7 that the respondent has not engaged in any alleged discriminatory act within the
8 scope of the particular subtitle, it shall state its findings of fact and shall similarly
9 issue and file an order dismissing the complaint.

10 11A.

11 (A) (1) WHEN A COMPLAINT IS FILED UNDER § 11 OF THIS SUBTITLE, A
12 COMPLAINANT, A RESPONDENT, OR THE COMMISSION MAY ELECT TO HAVE THE
13 CLAIMS ASSERTED IN THE COMPLAINT DETERMINED IN A CIVIL ACTION FILED
14 UNDER SUBSECTION (B) OF THIS SECTION INSTEAD OF IN AN ADMINISTRATIVE
15 HEARING UNDER § 11(A) OF THIS SUBTITLE.

16 (2) THE COMPLAINANT OR RESPONDENT SHALL MAKE THE ELECTION
17 AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION NOT LATER THAN 30 DAYS
18 AFTER THE COMPLAINANT OR RESPONDENT RECEIVES SERVICE UNDER § 11(A) OF
19 THIS SUBTITLE.

20 (3) IF AN ELECTION IS NOT MADE UNDER SUBSECTION (A) OF THIS
21 SECTION, THE COMMISSION SHALL PROVIDE AN OPPORTUNITY FOR A HEARING ON
22 THE RECORD AS PROVIDED UNDER § 11(A) OF THIS SUBTITLE.

23 (B) (1) A PERSON OTHER THAN THE COMMISSION WHO MAKES AN
24 ELECTION UNDER SUBSECTION (A) OF THIS SECTION SHALL GIVE NOTICE OF THE
25 ELECTION TO THE COMMISSION AND TO ALL OTHER COMPLAINANTS, RESPONDENTS,
26 AND PERSONS TO WHOM THE COMPLAINT RELATES.

27 (2) (I) IF THE COMMISSION MAKES AN ELECTION UNDER SUBSECTION
28 (A) OF THIS SECTION, THE COMMISSION SHALL GIVE NOTICE TO ALL COMPLAINANTS,
29 RESPONDENTS, AND PERSONS TO WHOM THE CHARGE RELATES.

30 (II) NOT LATER THAN 60 DAYS AFTER THE ELECTION IS MADE BY
31 ANY PARTY, THE COMMISSION SHALL FILE A CIVIL ACTION IN THE COURT OF THE
32 COUNTY WHERE THE UNLAWFUL EMPLOYMENT PRACTICE IS ALLEGED TO HAVE
33 BEEN COMMITTED.

34 (C) IN A CIVIL ACTION ALLEGING A DISCRIMINATORY EMPLOYMENT
35 PRACTICE FILED UNDER THIS SECTION, IF THE COURT FINDS THAT A
36 DISCRIMINATORY EMPLOYMENT PRACTICE HAS OCCURRED, THE COURT MAY:

37 (1) ENJOIN THE RESPONDENT FROM ENGAGING IN THE UNLAWFUL
38 EMPLOYMENT PRACTICE;

1 (2) ORDER APPROPRIATE AFFIRMATIVE RELIEF, INCLUDING THE
2 REINSTATEMENT OR HIRING OF EMPLOYEES, WITH OR WITHOUT BACK PAY, BY THE
3 RESPONDENT RESPONSIBLE FOR THE UNLAWFUL EMPLOYMENT PRACTICE;

4 (3) ORDER COMPENSATORY DAMAGES;

5 (4) AWARD TO THE COMMISSION ATTORNEY FEES AND WITNESS FEES,
6 WHICH MAY INCLUDE REASONABLE EXPERT WITNESS FEES; OR

7 (5) ORDER ANY OTHER EQUITABLE RELIEF THAT THE COURT DEEMS
8 APPROPRIATE.

9 (D) (1) COMPENSATORY DAMAGES AWARDED UNDER THIS SECTION ARE IN
10 ADDITION TO:

11 (I) ANY BACK PAY OR INTEREST ON BACK PAY THAT THE
12 COMPLAINANT IS ENTITLED TO RECOVER UNDER ANY OTHER PROVISION OF LAW;
13 AND

14 (II) ANY OTHER EQUITABLE RELIEF THAT THE COMPLAINANT IS
15 ENTITLED TO RECOVER UNDER ANY OTHER PROVISION OF LAW.

16 (2) FOR EACH COMPLAINANT, THE SUM OF THE AMOUNT OF
17 COMPENSATORY DAMAGES AWARDED UNDER THIS SECTION FOR FUTURE
18 PECUNIARY LOSSES, EMOTIONAL PAIN, SUFFERING, INCONVENIENCE, MENTAL
19 ANGUISH, LOSS OF ENJOYMENT OF LIFE, AND NONPECUNIARY LOSS MAY NOT
20 EXCEED:

21 (I) IN THE CASE OF A RESPONDENT WHO EMPLOYS NOT FEWER
22 THAN 15 AND NOT MORE THAN 100 EMPLOYEES IN EACH OF 20 OR MORE CALENDAR
23 WEEKS IN THE CURRENT OR PRECEDING CALENDAR YEAR, \$50,000;

24 (II) IN THE CASE OF A RESPONDENT WHO EMPLOYS NOT FEWER
25 THAN 101 AND NOT MORE THAN 200 EMPLOYEES IN EACH OF 20 OR MORE CALENDAR
26 WEEKS IN THE CURRENT OR PRECEDING CALENDAR YEAR, \$100,000;

27 (III) IN THE CASE OF A RESPONDENT WHO EMPLOYS NOT FEWER
28 THAN 201 AND NOT MORE THAN 500 EMPLOYEES IN EACH OF 20 OR MORE CALENDAR
29 WEEKS IN THE CURRENT OR PRECEDING CALENDAR YEAR, \$200,000; AND

30 (IV) IN THE CASE OF A RESPONDENT WHO EMPLOYS NOT FEWER
31 THAN 501 EMPLOYEES IN EACH OF 20 OR MORE CALENDAR WEEKS IN THE CURRENT
32 OR PRECEDING CALENDAR YEAR, \$300,000.

33 (E) IF A COMPLAINANT SEEKS COMPENSATORY DAMAGES UNDER THIS
34 SECTION:

35 (1) ANY PARTY MAY DEMAND A TRIAL BY JURY; AND

1 (2) THE COURT MAY NOT INFORM THE JURY OF THE LIMITATIONS
2 IMPOSED UNDER SUBSECTION (D) OF THIS SECTION.

3 (F) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE SCOPE OF, OR THE
4 RELIEF AVAILABLE UNDER, ANY OTHER PROVISION OF STATE OR FEDERAL LAW.

5 11B.

6 (A) (1) IN ADDITION TO THE ELECTION AUTHORIZED UNDER § 11A OF THIS
7 SUBTITLE AND EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
8 COMPLAINANT MAY BRING A CIVIL ACTION ALLEGING AN UNLAWFUL EMPLOYMENT
9 PRACTICE AGAINST A RESPONDENT IF:

10 (I) THE COMPLAINANT INITIALLY FILED A COMPLAINT WITH THE
11 COMMISSION AGAINST THE RESPONDENT ALLEGING THE UNLAWFUL EMPLOYMENT
12 PRACTICE; AND

13 (II) AT LEAST 180 DAYS HAVE ELAPSED SINCE THE FILING OF THE
14 COMPLAINT.

15 (2) (I) A COMPLAINING PARTY MAY NOT COMMENCE A CIVIL ACTION
16 UNDER THIS SUBSECTION FOR AN UNLAWFUL EMPLOYMENT PRACTICE THAT FORMS
17 THE BASIS OF AN ORDER ISSUED BY THE COMMISSION IF A HEARING ON THE
18 RECORD UNDER § 11(A) OF THIS SUBTITLE HAS BEEN COMMENCED BY AN
19 ADMINISTRATIVE LAW JUDGE.

20 (II) AFTER THE BEGINNING OF THE TRIAL OF A CIVIL ACTION
21 UNDER FEDERAL LAW OR THIS SUBTITLE THAT SEEKS RELIEF FOR AN ALLEGED
22 UNLAWFUL EMPLOYMENT PRACTICE, AN ADMINISTRATIVE LAW JUDGE MAY NOT
23 CONTINUE ADMINISTRATIVE PROCEEDINGS UNDER § 11(A) OF THIS SUBTITLE FOR
24 THE SAME ALLEGED UNLAWFUL EMPLOYMENT PRACTICE.

25 (3) ON TIMELY APPLICATION, THE COURT IN A CIVIL TRIAL UNDER THIS
26 SECTION MAY PERMIT THE COMMISSION TO INTERVENE BY CERTIFYING THAT THE
27 CASE IS OF IMPORTANCE TO THE GENERAL PUBLIC.

28 (B) A CIVIL ACTION MAY BE FILED UNDER THIS SECTION IN THE CIRCUIT
29 COURT OF THE COUNTY WHERE:

30 (1) THE UNLAWFUL EMPLOYMENT PRACTICE IS ALLEGED TO HAVE
31 BEEN COMMITTED; OR

32 (2) THE RECORDS RELEVANT TO THE UNLAWFUL EMPLOYMENT
33 PRACTICE ARE KEPT.

34 (C) IN ADDITION TO THE RELIEF AUTHORIZED UNDER § 11A(C) AND (D) OF
35 THIS SUBTITLE, THE COURT IN A CASE FILED UNDER THIS SECTION MAY GRANT
36 PUNITIVE DAMAGES IF:

1 (1) THE RESPONDENT IS NOT A GOVERNMENT, GOVERNMENT AGENCY,
2 OR A POLITICAL SUBDIVISION; AND

3 (2) THE COURT FINDS THAT THE RESPONDENT HAS ENGAGED IN OR IS
4 ENGAGING IN AN UNLAWFUL EMPLOYMENT PRACTICE WITH ACTUAL MALICE.

5 (D) COMPENSATORY DAMAGES AWARDED UNDER THIS SUBSECTION ARE IN
6 ADDITION TO ANY BACK PAY, ANY INTEREST ON BACK PAY, AND ANY OTHER
7 EQUITABLE RELIEF THAT THE COMPLAINING PARTY IS ENTITLED TO RECOVER
8 UNDER ANY OTHER PROVISION OF LAW.

9 (E) FOR EACH COMPLAINANT, THE SUM OF THE AMOUNT OF COMPENSATORY
10 DAMAGES AWARDED UNDER THIS SECTION FOR FUTURE PECUNIARY LOSSES,
11 EMOTIONAL PAIN, SUFFERING, INCONVENIENCE, MENTAL ANGUISH, LOSS OF
12 ENJOYMENT OF LIFE, AND NONPECUNIARY LOSS, AND THE AMOUNT OF THE
13 PUNITIVE DAMAGES AWARDED UNDER THIS SECTION, MAY NOT EXCEED:

14 (1) IN THE CASE OF A RESPONDENT WHO EMPLOYS NOT FEWER THAN 15
15 AND NOT MORE THAN 100 EMPLOYEES IN EACH OF 20 OR MORE CALENDAR WEEKS IN
16 THE CURRENT OR PRECEDING CALENDAR YEAR, \$50,000;

17 (2) IN THE CASE OF A RESPONDENT WHO EMPLOYS NOT FEWER THAN
18 101 AND NOT MORE THAN 200 EMPLOYEES IN EACH OF 20 OR MORE CALENDAR
19 WEEKS IN THE CURRENT OR PRECEDING CALENDAR YEAR, \$100,000;

20 (3) IN THE CASE OF A RESPONDENT WHO EMPLOYS FEWER THAN 201
21 AND NOT MORE THAN 500 EMPLOYEES IN EACH OF 20 OR MORE CALENDAR WEEKS IN
22 THE CURRENT OR PRECEDING CALENDAR YEAR, \$200,000; AND

23 (4) IN THE CASE OF A RESPONDENT WHO EMPLOYS NOT FEWER THAN
24 500 EMPLOYEES IN EACH OF 20 OR MORE CALENDAR WEEKS IN THE CURRENT OR
25 PRECEDING CALENDAR YEAR, \$300,000.

26 (F) IF A COMPLAINANT SEEKS COMPENSATORY OR PUNITIVE DAMAGES
27 UNDER THIS SECTION:

28 (1) ANY PARTY MAY DEMAND A TRIAL BY JURY; AND

29 (2) THE COURT MAY NOT INFORM THE JURY OF THE LIMITATIONS
30 IMPOSED IN SUBSECTION (E) OF THIS SECTION.

31 (G) WHERE APPROPRIATE AND TO THE EXTENT AUTHORIZED UNDER LAW,
32 THE PARTIES TO ANY DISPUTE ARISING UNDER THIS SUBTITLE IN WHICH THE
33 COMPLAINANT SEEKS COMPENSATORY OR PUNITIVE DAMAGES ARE ENCOURAGED
34 TO USE ALTERNATIVE MEANS OF DISPUTE RESOLUTION, INCLUDING:

35 (1) SETTLEMENT NEGOTIATIONS;

36 (2) CONCILIATION;

- 1 (3) FACILITATION;
- 2 (4) MEDIATION;
- 3 (5) FACT-FINDING;
- 4 (6) MINITRIALS; AND
- 5 (7) ARBITRATION.

6 (H) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE SCOPE OF, OR THE
7 RELIEF AVAILABLE UNDER, ANY OTHER PROVISION OF STATE OR FEDERAL LAW.

8 11C.

9 (A) WHENEVER THE COMMISSION, UNDER §§ 9A AND 10 OF THIS SUBTITLE,
10 HAS FOUND PROBABLE CAUSE TO BELIEVE THAT A PERSON OR GROUP OF PERSONS
11 IS ENGAGED IN A PATTERN OR PRACTICE OF RESISTANCE TO FULL ENJOYMENT OF
12 ANY OF THE RIGHTS GRANTED BY THIS SUBTITLE, OR THAT ANY GROUP OF PERSONS
13 HAS BEEN DENIED ANY RIGHTS GRANTED BY THIS SUBTITLE AND THAT THE DENIAL
14 OR RESISTANCE RAISES AN ISSUE OF GENERAL PUBLIC IMPORTANCE, THE
15 COMMISSION MAY FILE A CIVIL ACTION IN THE APPROPRIATE CIRCUIT COURT.

16 (B) (1) IN A CIVIL ACTION UNDER SUBSECTION (A) OF THIS SECTION, THE
17 COURT MAY:

18 (I) AWARD PREVENTIVE RELIEF, INCLUDING A PERMANENT OR
19 TEMPORARY INJUNCTION, RESTRAINING ORDER, OR OTHER ORDER AGAINST THE
20 PERSON RESPONSIBLE FOR A VIOLATION OF THIS SUBTITLE, AS IS NECESSARY TO
21 ASSURE FULL ENJOYMENT OF THE RIGHTS GRANTED BY THIS SUBTITLE;

22 (II) AWARD OTHER RELIEF AS THE COURT DEEMS APPROPRIATE,
23 INCLUDING MONETARY DAMAGES TO PERSONS AGGRIEVED; AND

24 (III) TO VINDICATE THE PUBLIC INTEREST, ASSESS A CIVIL
25 PENALTY AGAINST THE RESPONDENT:

26 1. IN AN AMOUNT NOT EXCEEDING \$50,000 FOR A FIRST
27 VIOLATION; AND

28 2. IN AN AMOUNT NOT EXCEEDING \$100,000 FOR ANY
29 SUBSEQUENT VIOLATION.

30 (2) IN A CIVIL ACTION UNDER THIS SECTION, THE COURT MAY AWARD
31 THE COMMISSION REASONABLE ATTORNEY AND EXPERT WITNESS FEES AND COSTS.

32 (C) (1) ON TIMELY APPLICATION, A PERSON MAY INTERVENE IN A CIVIL
33 ACTION COMMENCED BY THE COMMISSION UNDER SUBSECTION (A) OF THIS
34 SECTION IF THE ACTION INVOLVES:

1 (I) AN ALLEGED DISCRIMINATORY EMPLOYMENT PRACTICE TO
2 WHICH THE PERSON IS A PARTY; OR

3 (II) A CONCILIATION AGREEMENT TO WHICH THE PERSON IS A
4 PARTY.

5 (2) THE COURT MAY GRANT ANY APPROPRIATE RELIEF TO AN
6 INTERVENING PARTY THAT IS AUTHORIZED TO BE GRANTED TO A PLAINTIFF IN A
7 CIVIL ACTION UNDER § 11A OF THIS SUBTITLE.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2001 and shall apply to any complaint filed with the Human Relations
10 Commission on or after October 1, 2001.