
By: **Delegates Rosenberg, Barve, and Oaks**
 Introduced and read first time: February 9, 2006
 Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Rights Preservation Act of 2006**

3 FOR the purpose of authorizing a person aggrieved by a discriminatory public
 4 accommodation practice to bring a civil action in a certain court of competent
 5 jurisdiction; authorizing a certain court to grant certain relief if the court finds
 6 that a certain discriminatory public accommodation practice occurred;
 7 authorizing a person aggrieved by a discriminatory employment practice to
 8 bring a civil action in a certain court of competent jurisdiction under certain
 9 circumstances; authorizing a certain court to grant certain relief if the court
 10 finds that a certain discriminatory employment practice occurred; authorizing a
 11 certain court to appoint an attorney for a certain person or commence or
 12 continue a certain civil action without the payment of certain fees, costs, or
 13 security; and generally relating to the right to bring a civil action for
 14 discriminatory public accommodation or discriminatory employment practices.

15 BY adding to
 16 Article 49B - Human Relations Commission
 17 Section 9B
 18 Annotated Code of Maryland
 19 (2003 Replacement Volume and 2005 Supplement)

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

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

23 9B.

24 (A) (1) A PERSON AGGRIEVED BY A DISCRIMINATORY PUBLIC
 25 ACCOMMODATION PRACTICE UNDER THIS ARTICLE MAY BRING A CIVIL ACTION IN A
 26 COURT OF COMPETENT JURISDICTION.

27 (2) IN A CIVIL ACTION UNDER PARAGRAPH (1) OF THIS SUBSECTION, IF A
 28 COURT OR JURY FINDS THAT THE ALLEGED DISCRIMINATORY PUBLIC
 29 ACCOMMODATION PRACTICE OCCURRED:

1 (I) THE COURT MAY GRANT INJUNCTIVE OR EQUITABLE RELIEF;

2 (II) THE COURT OR JURY MAY AWARD COMPENSATORY OR
3 PUNITIVE DAMAGES; OR

4 (III) THE COURT MAY AWARD REASONABLE ATTORNEY'S FEES AND
5 COSTS, INCLUDING EXPERT WITNESS FEES.

6 (B) (1) A PERSON AGGRIEVED BY A DISCRIMINATORY EMPLOYMENT
7 PRACTICE UNDER THIS ARTICLE MAY BRING A CIVIL ACTION IN A COURT OF
8 COMPETENT JURISDICTION IF:

9 (I) THE AGGRIEVED PERSON FILED A COMPLAINT UNDER § 9A OF
10 THIS SUBTITLE; AND

11 (II) AT LEAST 45 DAYS HAVE ELAPSED SINCE THE AGGRIEVED
12 PERSON FILED THE COMPLAINT UNDER § 9A OF THIS SUBTITLE OR THE COMMISSION
13 HAS DISMISSED THE COMPLAINT.

14 (2) IN A CIVIL ACTION UNDER PARAGRAPH (1) OF THIS SUBSECTION, IF A
15 COURT OR JURY FINDS THAT THE ALLEGED DISCRIMINATORY EMPLOYMENT
16 PRACTICE OCCURRED:

17 (I) THE COURT MAY GRANT INJUNCTIVE RELIEF, INCLUDING
18 ENJOINING THE DEFENDANT FROM ENGAGING IN THE DISCRIMINATORY
19 EMPLOYMENT PRACTICE;

20 (II) THE COURT MAY ORDER AFFIRMATIVE ACTION, INCLUDING
21 THE REINSTATEMENT OR HIRING OF AN EMPLOYEE;

22 (III) THE COURT OR JURY MAY AWARD COMPENSATORY OR
23 PUNITIVE DAMAGES; OR

24 (IV) THE COURT MAY AWARD REASONABLE ATTORNEY'S FEES AND
25 COSTS, INCLUDING EXPERT WITNESS FEES.

26 (C) ON APPLICATION BY A PERSON WHO BRINGS A CIVIL ACTION UNDER
27 SUBSECTION (A) OR (B) OF THIS SECTION, A COURT MAY:

28 (1) APPOINT AN ATTORNEY FOR THE PERSON; OR

29 (2) IF THE COURT FINDS THAT THE PERSON IS FINANCIALLY UNABLE
30 TO BEAR THE COSTS OF THE ACTION, AUTHORIZE THE COMMENCEMENT OR
31 CONTINUATION OF THE CIVIL ACTION WITHOUT THE PAYMENT OF FEES, COSTS, OR
32 SECURITY.

33 (D) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THIS SECTION NOT
34 INTERFERE WITH OR ABROGATE ANY CITY OR COUNTY ORDINANCE THAT AFFORDS
35 THE SAME OR GREATER RIGHTS.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2006.