

SENATE BILL 731

D3, E2

9lr2429
CF HB 562

By: **Senator Raskin**

Introduced and read first time: February 6, 2009

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Hate Crimes – Civil Remedy**

3 FOR the purpose of providing that a person who is aggrieved by a violation of certain
4 hate crime laws may bring a civil action against a certain person; authorizing
5 the court to impose an injunction and award certain damages; providing for the
6 application of this Act; and generally relating to the right to file a civil action for
7 a hate crime.

8 BY adding to

9 Article – Criminal Law

10 Section 10–309

11 Annotated Code of Maryland

12 (2002 Volume and 2008 Supplement)

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

15 **Article – Criminal Law**

16 **10–309.**

17 (A) **A PERSON WHO IS AGGRIEVED BY A VIOLATION OF THIS SUBTITLE**
18 **MAY BRING A CIVIL ACTION AGAINST THE PERSON OR PERSONS WHO**
19 **COMMITTED THE VIOLATION IN A COURT OF COMPETENT JURISDICTION.**

20 (B) **THE COURT MAY:**

21 (1) **ISSUE AN INJUNCTION TO PREVENT OR RESTRAIN A**
22 **VIOLATION OF THIS SUBTITLE; AND**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) AWARD DAMAGES IN ACCORDANCE WITH SUBSECTION (C) OF**
2 **THIS SECTION.**

3 **(C) (1) DAMAGES AWARDED BY A COURT UNDER THIS SECTION MAY**
4 **INCLUDE:**

5 **(I) ECONOMIC DAMAGES AND ANY OTHER PECUNIARY LOSS**
6 **SUSTAINED BY THE PLAINTIFF THAT WAS PROXIMATELY CAUSED BY THE**
7 **VIOLATION OF THIS SUBTITLE;**

8 **(II) NONECONOMIC DAMAGES, INCLUDING:**

9 **1. PAIN AND SUFFERING;**

10 **2. EMOTIONAL DISTRESS;**

11 **3. MENTAL ANGUISH;**

12 **4. LOSS OF ENJOYMENT;**

13 **5. LOSS OF COMPANIONSHIP, SERVICES, AND**
14 **CONSORTIUM; AND**

15 **6. OTHER NONPECUNIARY LOSS SUSTAINED BY THE**
16 **PLAINTIFF THAT WAS PROXIMATELY CAUSED BY THE VIOLATION OF THIS**
17 **SUBTITLE; AND**

18 **(III) PUNITIVE DAMAGES.**

19 **(2) THE COURT MAY ALSO AWARD REASONABLE ATTORNEY'S**
20 **FEEES TO THE PREVAILING PARTY.**

21 **(D) THIS SECTION DOES NOT AFFECT ANY LEGAL OR EQUITABLE RIGHT**
22 **OR REMEDY OTHERWISE PROVIDED BY LAW.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
24 construed to apply only prospectively and may not be applied or interpreted to have
25 any effect on or application to any cause of action arising before the effective date of
26 this Act.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2009.