

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 285
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first “of” insert “authorizing certain persons or the Commission on Human Relations to elect to have the claims asserted in a certain complaint alleging discrimination by a place of public accommodation determined in a civil action brought by the Commission under certain circumstances; requiring a civil action brought by the Commission to be filed within a certain time period after an election;”; in line 9, after the first “action” insert “under certain circumstances”; in the same line, after the second semicolon insert “repealing the authority of the Commission to seek an order assessing a civil penalty for discrimination by a place of public accommodation; defining a certain term; making certain conforming changes;”; and in line 14, strike “20-1009 and 20-1013” and substitute “20-1001, 20-1006(b), 20-1007(a) and (b), 20-1009, 20-1012(a) and (b), 20-1013, and 20-1016(a)”.

AMENDMENT NO. 2

On page 1, after line 19, insert:

“20–1001.

(A) In this part[, “unlawful] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION” MEANS AN ACT THAT IS PROHIBITED UNDER § 20–304 OF THIS TITLE.

(C) “UNLAWFUL employment practice” means an act that is prohibited under § 20–606 of this title.

(Over)

20-1006.

(b) The Executive Director of the Commission shall cause a written notice to be issued and served in the name of the Commission, together with a copy of the complaint, requiring the respondent to answer the charges of the complaint at a public hearing:

(1) before an administrative law judge at a time and place certified in the notice; or

(2) if the complaint alleges an unlawful employment practice OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION, in a civil action elected under § 20-1007 of this subtitle.

20-1007.

(a) (1) When a complaint alleging an unlawful employment practice OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION is issued and served under § 20-1006 of this subtitle, a complainant or respondent may elect to have the claims asserted in the complaint determined in a civil action brought by the Commission on the complainant's behalf, if:

(i) the Commission has found probable cause to believe the respondent has engaged in or is engaging in an unlawful employment practice OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION; and

(ii) there is a failure to reach an agreement to remedy and eliminate the unlawful employment practice OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION.

(2) An election under paragraph (1) of this subsection shall be made within 30 days after the complainant or respondent receives service under § 20–1006(b) of this subtitle.

(3) If an election is not made under paragraph (1) of this subsection, the Commission shall provide an opportunity for a hearing as provided under § 20–1008(a) of this subtitle.

(b) When a complaint alleging an unlawful employment practice **OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION** is issued and served under § 20–1006 of this subtitle, the Commission may elect to have the claims asserted in the complaint determined in a civil action brought on the Commission’s own behalf, if:

(1) the Commission has found probable cause to believe the respondent has engaged in or is engaging in an unlawful employment practice **OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION**; and

(2) there is a failure to reach an agreement to remedy and eliminate the unlawful employment practice **OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION**.”.

On page 4, after line 20, insert:

“20–1012.

(a) Within 60 days after an election is made under § 20–1007 of this subtitle, the Commission shall file a civil action in the circuit court for the county where the alleged unlawful employment practice **OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION** occurred.

(Over)

(b) If the court finds that an unlawful employment practice OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION occurred, the court may provide the remedies specified in § 20–1009(b) OR (C) of this subtitle, AS APPROPRIATE.”.

On page 5, after line 32, insert:

“20–1016.

(a) Except as provided in subsection (b) of this section, in addition to any other relief authorized, if the Commission finds that a respondent has engaged in a discriminatory act under [Subtitle 3 or] Subtitle 4 of this title, the Commission may seek an order assessing a civil penalty against the respondent:

(1) if the respondent has not been adjudicated to have committed any prior discriminatory act, in an amount not exceeding \$500;

(2) if the respondent has been adjudicated to have committed one other discriminatory act during the 5–year period ending on the date of the filing of the current charge, in an amount not exceeding \$1,000; and

(3) if the respondent has been adjudicated to have committed two or more discriminatory acts during the 7–year period ending on the date of the filing of the current charge, in an amount not exceeding \$2,500.”.

AMENDMENT NO. 3

On page 3, strike beginning with “, IN” in line 28 down through “COMPLAINANT” in line 30.

On page 4, in line 22, strike “(1)”; in lines 24, 27, and 31, in each instance, after “practice” insert “OR DISCRIMINATION BY A PLACE OF PUBLIC ACCOMMODATION”;

in lines 25, 28, and 30, in each instance, strike the brackets; in the same lines, strike “**(I)**”, “**(II)**”, and “**(III)**”, respectively; and strike in their entirety lines 32 through 34, inclusive.

On page 5, strike in their entirety lines 1 and 2; in lines 3 and 4, in each instance, strike the brackets; in line 4, strike “**ANY**”; and in the same line, strike “**AN**”.