

HOUSE BILL 249

P1, K3

6lr1331
CF SB 557

By: **Delegates Smith, Bromwell, Cluster, Folden, Hixson, Holmes, Jackson, Kipke, Knotts, Luedtke, Metzgar, Rey, Sanchez, Vogt, Waldstreicher, C. Wilson, and P. Young**

Introduced and read first time: January 25, 2016

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 10, 2016

CHAPTER _____

1 AN ACT concerning

2 **Members of the National Guard ~~and Maryland Defense Force~~ – Employment and**
3 **Reemployment Rights – Enforcement**

4 FOR the purpose of authorizing members of the National Guard ~~and Maryland Defense~~
5 ~~Force~~ whose employment and reemployment rights under a certain provision of law
6 have been violated to bring a civil action for certain economic damages; authorizing
7 a court to award certain damages, fees, costs, and other relief to members of the
8 National Guard ~~and Maryland Defense Force~~ under certain circumstances; and
9 generally relating to the enforcement of the employment and reemployment rights
10 of members of the National Guard ~~and Maryland Defense Force~~.

11 BY repealing and reenacting, with amendments,
12 Article – Public Safety
13 Section 13–704
14 Annotated Code of Maryland
15 (2011 Replacement Volume and 2015 Supplement)

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

18 **Article – Public Safety**

19 13–704.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) The rights granted to members of the National Guard and Maryland Defense
2 Force by this section shall be in addition to the rights granted to them by federal law,
3 including the Servicemembers Civil Relief Act and the Uniformed Services Employment
4 and Reemployment Rights Act.

5 (b) The following provisions of federal law shall be adopted as State law and
6 applied to members of the National Guard and Maryland Defense Force:

7 (1) the Servicemembers Civil Relief Act applies only when members of the
8 National Guard or Maryland Defense Force are ordered to military duty under this title or
9 Title 10 or Title 32 of the United States Code for a period of 14 consecutive days or longer;
10 and

11 (2) the Uniformed Services Employment and Reemployment Rights Act
12 applies when members of the National Guard or Maryland Defense Force are ordered to
13 military duty under this title or Title 10 or Title 32 of the United States Code for any period
14 of time.

15 **(C) (1) A MEMBER OF THE NATIONAL GUARD ~~OR MARYLAND DEFENSE~~**
16 **~~FORCE~~ WHOSE EMPLOYMENT AND REEMPLOYMENT RIGHTS UNDER THIS SECTION**
17 **HAVE BEEN VIOLATED MAY BRING A CIVIL ACTION FOR ECONOMIC DAMAGES,**
18 **INCLUDING LOST WAGES AND BENEFITS.**

19 **(2) IF THE COURT DETERMINES THAT A MEMBER OF THE NATIONAL**
20 **~~GUARD OR MARYLAND DEFENSE FORCE~~ IS ENTITLED TO JUDGMENT IN AN ACTION**
21 **FILED UNDER THIS SUBSECTION, THE COURT MAY AWARD THE MEMBER:**

22 **(I) ANY DAMAGES TO WHICH THE MEMBER MAY BE ENTITLED**
23 **UNDER SUBSECTION (A) OF THIS SECTION;**

24 **(II) REASONABLE COUNSEL FEES AND OTHER COSTS; AND**

25 **(III) ANY OTHER APPROPRIATE RELIEF.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2016.