

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 519
Judiciary

(Delegates Smith and Morales)

**Courts - Statute of Limitations - Civil Actions Arising Out of Human Rights
Abuses**

This bill extends the statute of limitations for civil actions that arise out of conduct that is a “federal offense” or a “crime against humanity,” or for the taking of property in violation of international law. A prevailing plaintiff in any action subject to the bill may be awarded reasonable attorney’s fees and litigation costs, including expert witness fees and expenses.

The bill’s provisions apply retroactively to any cause of action arising on or after October 1, 2006.

Fiscal Summary

State Effect: Any increase in District Court or appellate court caseloads can be handled with existing budgeted resources.

Local Effect: Any increase in circuit court caseloads can be handled with existing budgeted resources.

Small Business Effect: None.

Analysis

Bill Summary: An action for assault or battery, false imprisonment, wrongful death, or benefits under an insurance policy must be filed within 10 years from the date the action accrues if the action arises out of conduct that is a “federal offense” or a “crime against humanity,” as defined under the bill.

An action for the taking of property in violation of international law must be filed within 10 years from the date the cause of action accrues if the property or any property exchanged for the property is present in the United States or owned or operated by an agency or instrumentality of a foreign state that is engaged in commercial activity in the United States.

According to the bill's severability clause, if any provision of the bill or the application of the bill to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of the bill that can be given effect without the invalid provision or application.

"Federal offense" means torture, genocide, a war crime, an extrajudicial killing or attempted extrajudicial killing, forced labor, human trafficking, or sex trafficking, as those terms are defined in specified provisions of federal law.

"Crime against humanity" means any of the following acts committed as part of a widespread or systematic attack directed against a civilian population: (1) murder; (2) extermination; (3) enslavement; (4) deportation or forcible transfer of population; (5) imprisonment; (6) rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization, or other sexual violence of comparable severity; (7) persecution of an identifiable political, racial, national, ethnic, cultural, religious, or gender group; (8) forced disappearance of persons; or (9) similar acts causing great suffering or serious bodily or mental injury.

Current Law: In general, a person must file a civil cause of action within three years after the cause of action accrues. However, there are some statutory exceptions to this general rule. For instance, an action for assault, libel, or slander must be filed within one year from the date it accrues. Also, a civil cause of action with a plaintiff who is a minor or who is mentally incompetent must be filed within the lesser of three years or the applicable period of limitations after the disability is removed. Thus, a plaintiff who was a minor at the time the statute of limitations began to accrue must file his/her cause of action before reaching age 21.

In general, a party to a lawsuit is responsible for his/her legal fees, regardless of the outcome of the case. However, there are more than 80 exceptions to this general rule in State law, including wage and hour cases, worker's compensation cases, and consumer protection cases. The conditions under which an individual is eligible for an award of attorney's fees and the extent of these awards are inconsistent among the cases eligible for attorney's fees awards under State law.

Additional Information

Prior Introductions: None.

Cross File: SB 903 (Senators Young and Rosapepe) – Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

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kb/kdm

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