

HOUSE BILL 317

D5
HB 935/18 – HGO

9lr2206
CF SB 271

By: **Delegate Cullison**

Introduced and read first time: January 28, 2019

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Commission on Civil Rights – Civil Penalties**

3 FOR the purpose of altering certain civil penalties the Maryland Commission on Civil
4 Rights is authorized to seek if the Commission finds that a respondent has engaged
5 in a discriminatory act under certain provisions of law regarding public
6 accommodations and persons licensed or regulated by a certain unit in the
7 Department of Labor, Licensing, and Regulation; providing that certain maximum
8 penalty amounts do not apply if a certain discriminatory act is determined to be
9 malicious; requiring certain civil penalties to be paid to a certain complainant; and
10 generally relating to the Maryland Commission on Civil Rights and civil penalties.

11 BY repealing and reenacting, without amendments,
12 Article – State Government
13 Section 20–304 and 20–402
14 Annotated Code of Maryland
15 (2014 Replacement Volume and 2018 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – State Government
18 Section 20–1016
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2018 Supplement)

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

23 **Article – State Government**

24 20–304.

25 An owner or operator of a place of public accommodation or an agent or employee of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the owner or operator may not refuse, withhold from, or deny to any person any of the
2 accommodations, advantages, facilities, or privileges of the place of public accommodation
3 because of the person's race, sex, age, color, creed, national origin, marital status, sexual
4 orientation, gender identity, or disability.

5 20-402.

6 A person that is licensed or regulated by a unit in the Department of Labor,
7 Licensing, and Regulation listed in § 2-108 of the Business Regulation Article may not
8 refuse, withhold from, or deny any person any of the accommodations, advantages,
9 facilities, privileges, sales, or services of the licensed or regulated person or discriminate
10 against any person because of the person's race, sex, creed, color, national origin, marital
11 status, sexual orientation, age, gender identity, or disability.

12 20-1016.

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

17 (1) if the respondent has not been adjudicated to have committed any prior
18 discriminatory act, in an amount not exceeding [~~\$500~~] **\$2,500**;

19 (2) if the respondent has been adjudicated to have committed one other
20 discriminatory act during the 5-year period ending on the date of the filing of the current
21 charge, in an amount **NOT LESS THAN \$2,500 AND** not exceeding [~~\$1,000~~] **\$10,000**; and

22 (3) if the respondent has been adjudicated to have committed two or more
23 discriminatory acts during the 7-year period ending on the date of the filing of the current
24 charge, in an amount **NOT LESS THAN \$5,000 AND** not exceeding [~~\$2,500~~] **\$25,000**.

25 (b) If the discriminatory act is [~~committed by an individual who has been~~
26 ~~previously adjudicated to have committed one or more discriminatory acts, the time~~
27 ~~periods] **DETERMINED TO BE MALICIOUS, THE MAXIMUM AMOUNTS** set forth in
28 subsection [(a)(2) and (3)] **(A)** of this section do not apply.~~

29 (c) Any civil penalties collected under this section shall be paid to the [~~General~~
30 ~~Fund of the State~~] **COMPLAINANT**.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2019.