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§20–1902.

(a) A person or an agent, a representative, or a designee of the State or a local government may not require, coerce, or compel an individual to undergo the subcutaneous implanting of an identification device.

(b) (1) An individual who is implanted with a subcutaneous identification device in violation of subsection (a) of this section may file a civil action in the circuit court in the county where the violation occurred.

(2) If the court finds that the person or agent, representative, or designee of the State or a local government violated subsection (a) of this section, the court may:

(i) Assess against the defendant:

1. A civil penalty not exceeding $10,000; and

2. An additional civil penalty not exceeding $1,000 for each day after the day of implantation that the violation continues until corrected; and

(ii) Award the plaintiff:

1. Compensatory damages;

2. Injunctive relief;

3. Reasonable attorney's fees and litigation expenses, including expert witness fees and expenses; or

4. Any other appropriate relief.

(3) In addition to the damages or relief awarded under paragraph (2) of this subsection, the court may award the plaintiff punitive damages on a finding of proof of the defendant's malice, oppression, fraud, or duress inflicted in requiring, coercing, or compelling the plaintiff to undergo the subcutaneous implanting of an identification device.

(c) (1) Except as provided in paragraph (2) of this subsection, an action brought under subsection (b) of this section shall be filed within 3 years after the date on which the identification device was implanted.

(2) If a defendant induces the plaintiff to delay the filing of the action or the plaintiff delays the filing due to threats made by the defendant that caused the plaintiff duress, the defendant may not assert the limitation specified under paragraph (1) of this subsection.

(d) The remedies provided by this section are in addition to any other statutory, legal, or equitable remedies that may be available and are not intended to be prerequisite to or exclusive of any other remedies.

(e) The provisions of this section shall be liberally construed in the protection of privacy and bodily integrity.

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