

# SENATE BILL 71

E1  
SB 128/21 – JPR

(PRE-FILED)

2lr0775  
CF HB 290

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By: ~~Senator Kramer~~ **Senators Kramer, Hettleman, Lee, Smith, Watson, and West**

Requested: October 15, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 13, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Hate Crimes – Civil Remedy**

3 FOR the purpose of providing that a person who is the victim of an act that would constitute  
4 a violation of certain hate crime laws may bring a civil action against a certain  
5 person; and generally relating to the right to file a civil action for a hate crime.

6 BY adding to

7 Article – Criminal Law

8 Section 10–309

9 Annotated Code of Maryland

10 (2021 Replacement Volume and 2021 Supplement)

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

13 **Article – Criminal Law**

14 **10–309.**

15 ~~(A) A PERSON WHO IS THE VICTIM OF AN ACT THAT WOULD CONSTITUTE A~~  
16 ~~VIOLATION OF THIS SUBTITLE MAY BRING A CIVIL ACTION AGAINST THE PERSON OR~~  
17 ~~PERSONS WHO COMMITTED THE ACT IN A COURT OF COMPETENT JURISDICTION.~~

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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) A PERSON MAY BRING A CIVIL ACTION AGAINST A PERSON WHO**  
2 **COMMITS AN ACT THAT WOULD CONSTITUTE A VIOLATION OF THIS SUBTITLE IN A**  
3 **COURT OF COMPETENT JURISDICTION IF THE PERSON:**

4                   **(1) IS A VICTIM OF THE ACT; AND**

5                   **(2) SUFFERED HARM FROM THE ACT OF A KIND DIFFERENT FROM THE**  
6 **HARM SUFFERED BY A PERSON WITHIN THE CLASS PROTECTED UNDER THIS**  
7 **SUBTITLE WHO IS A VICTIM OF THE SAME ACT.**

8           **(B) THE COURT MAY:**

9                   **(1) ISSUE AN INJUNCTION TO PREVENT OR RESTRAIN AN ACT THAT**  
10 **WOULD CONSTITUTE A VIOLATION OF THIS SUBTITLE; AND**

11                   **(2) AWARD DAMAGES IN ACCORDANCE WITH SUBSECTION (C) OF THIS**  
12 **SECTION.**

13           **(C) (1) DAMAGES AWARDED BY A COURT UNDER THIS SECTION MAY**  
14 **INCLUDE:**

15                   **(I) ECONOMIC DAMAGES AND ANY OTHER PECUNIARY LOSS**  
16 **SUSTAINED BY THE PLAINTIFF THAT WAS PROXIMATELY CAUSED BY THE VIOLATION**  
17 **OF THIS SUBTITLE; AND**

18                   **(II) NONECONOMIC DAMAGES, INCLUDING:**

19                           **1. PAIN AND SUFFERING;**

20                           **2. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**  
21 **EMOTIONAL DISTRESS;**

22                           **3. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**  
23 **MENTAL ANGUISH;**

24                           **4. LOSS OF ENJOYMENT;**

25                           **5. LOSS OF COMPANIONSHIP, SERVICES, AND**  
26 **CONSORTIUM; AND**

27                           **6. OTHER NONPECUNIARY LOSS SUSTAINED BY THE**  
28 **PLAINTIFF THAT WAS PROXIMATELY CAUSED BY THE ACT THAT WOULD CONSTITUTE**  
29 **A VIOLATION OF THIS SUBTITLE.**

1           **(2) THE COURT MAY ALSO AWARD REASONABLE ATTORNEY’S FEES**  
2 **AND COURT COSTS TO A PREVAILING PLAINTIFF.**

3           **(3) NONECONOMIC DAMAGES UNDER PARAGRAPH (1)(II)2 AND 3 OF**  
4 **THIS SUBSECTION MAY NOT INCLUDE EMOTIONAL DISTRESS OR MENTAL ANGUISH**  
5 **CAUSED SOLELY BY THE NEED TO REPLACE OR REPAIR PERSONAL OR REAL**  
6 **PROPERTY.**

7           **(D) DAMAGES AWARDED BY A COURT UNDER SUBSECTION (C)(1) OF THIS**  
8 **SECTION MAY BE ~~EQUAL~~ UP TO THREE TIMES THE AMOUNT OF ACTUAL DAMAGES.**

9           **(E) THIS SECTION DOES NOT AFFECT ANY LEGAL OR EQUITABLE RIGHT OR**  
10 **REMEDY OTHERWISE PROVIDED BY LAW.**

11           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
12 apply only prospectively and may not be applied or interpreted to have any effect on or  
13 application to any cause of action arising before the effective date of this Act.

14           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2022.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.