

Department of Legislative Services  
Maryland General Assembly  
2022 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 244  
Judiciary

(Delegate Moon, *et al.*)

Judicial Proceedings

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Civil Actions - Damages - Use of Race, Ethnicity, and Gender Data

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This bill prohibits a calculation of damages for loss of earnings resulting from personal injury or wrongful death from being reduced based on race, ethnicity, or gender. The bill applies prospectively to causes of action arising on or after its October 1, 2022 effective date.

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Fiscal Summary

**State Effect:** The bill is not anticipated to materially affect State finance or operations.

**Local Effect:** The bill is not anticipated to materially affect local finances or operations.

**Small Business Effect:** Minimal.

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Analysis

**Current Law:** No provisions in statute address the use of race, ethnicity, or gender in the calculation of damages. Actual damages, also known as compensatory damages, are intended to make a plaintiff whole by returning the plaintiff to the position he or she was in prior to the alleged harm caused by the defendant. Actual damages include both economic damages – compensation for things like *lost wages*, medical expenses, and costs to repair or replace property – and noneconomic damages – compensation for things like pain, suffering, inconvenience, physical impairment, loss of consortium, or other nonpecuniary injury.

While there is no cap on economic damages, the Courts and Judicial Proceedings Article sets various caps on noneconomic damages in civil actions, depending on the type of action and when the cause of action arose.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** SB 313 (Senators Watson and Carter) - Judicial Proceedings.

**Information Source(s):** Maryland Commission on Civil Rights; Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - January 31, 2022  
fnu2/jkb Third Reader - March 21, 2022

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