

Chapter 745

(Senate Bill 5)

AN ACT concerning

Hate Crimes – Civil Remedy

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

BY adding to

Article – Criminal Law

Section 10–309

Annotated Code of Maryland

(2021 Replacement Volume and 2022 Supplement)

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

Article – Criminal Law

10–309.

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

(B) THE COURT MAY:

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

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

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

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

(II) NONECONOMIC DAMAGES, INCLUDING:

1. PAIN AND SUFFERING;
2. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EMOTIONAL DISTRESS;
3. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, MENTAL ANGUISH;
4. LOSS OF ENJOYMENT;
5. LOSS OF COMPANIONSHIP, SERVICES, AND CONSORTIUM; AND
6. OTHER NONPECUNIARY LOSS SUSTAINED BY THE PLAINTIFF THAT WAS PROXIMATELY CAUSED BY THE ACT THAT WOULD CONSTITUTE A VIOLATION OF THIS SUBTITLE.

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

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

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

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

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

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

Approved by the Governor, May 16, 2023.