

SENATE BILL 5

E1
SB 71/22 – JPR

(PRE-FILED)

3lr0813
CF HB 13

By: **Senator Kramer**

Requested: November 15, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

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 2022 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.**

18 **(B) THE COURT MAY:**

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

21 **(2) AWARD DAMAGES IN ACCORDANCE WITH SUBSECTION (C) OF THIS**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION.

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

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

7 (II) NONECONOMIC DAMAGES, INCLUDING:

8 1. PAIN AND SUFFERING;

9 2. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,
10 EMOTIONAL DISTRESS;

11 3. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,
12 MENTAL ANGUISH;

13 4. LOSS OF ENJOYMENT;

14 5. LOSS OF COMPANIONSHIP, SERVICES, AND
15 CONSORTIUM; AND

16 6. OTHER NONPECUNIARY LOSS SUSTAINED BY THE
17 PLAINTIFF THAT WAS PROXIMATELY CAUSED BY THE ACT THAT WOULD CONSTITUTE
18 A VIOLATION OF THIS SUBTITLE.

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

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

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

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
30 apply only prospectively and may not be applied or interpreted to have any effect on or

1 application to any cause of action arising before the effective date of this Act.

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