

HOUSE BILL 1378

D3

(5lr3120)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegate Wilson**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Civil Actions – Child Sexual Abuse** ~~Claims Against the State – Time Limitation~~

3 FOR the purpose of ~~prohibiting certain actions under the Child Victims Act against the~~
4 ~~State or a unit of State government from being filed on or after a certain date~~ altering
5 certain provisions relating to the award of noneconomic damages to a claimant in an
6 action for child sexual abuse; altering certain provisions relating to the liability of
7 the State under the Maryland Tort Claims Act and of a local government under the
8 Local Government Tort Claims Act for certain claims of child sexual abuse; altering
9 certain provisions relating to the defense of sovereign immunity by a county board
10 of education to certain claims of child sexual abuse; altering certain provisions
11 relating to minimum liability insurance coverage requirements for county boards of
12 education; and generally relating to civil actions for child sexual abuse.

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings

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.

Italics indicate opposite chamber/conference committee amendments.



Section 5–117, 5–303(a), and 5–518(b) and (c)
Annotated Code of Maryland
(2020 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 4–105
Annotated Code of Maryland
(2022 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 12–104(a)
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

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

Article – Courts and Judicial Proceedings

5–117.

(a) In this section, “sexual abuse” means any act that involves:

(1) An adult allowing or encouraging a child to engage in:

(i) Obscene photography, films, poses, or similar activity;

(ii) Pornographic photography, films, poses, or similar activity; or

(iii) Prostitution;

(2) Incest;

(3) Rape;

(4) Sexual offense in any degree; or

(5) Any other sexual conduct that is a crime.

(b) Except as provided under subsection (d) of this section and notwithstanding any time limitation under a statute of limitations, a statute of repose, the Maryland Tort Claims Act, the Local Government Tort Claims Act, or any other law, an action for damages arising out of ~~an alleged incident or incidents~~ **A CLAIM OR CLAIMS** of sexual abuse that occurred while the victim was a minor may be filed at any time.

(c) Except as provided in §§ 5–303 and 5–518 of this title and § 12–104 of the State Government Article, the total amount of noneconomic damages that may be awarded under this section to a single claimant in an action against a single defendant for injuries arising from ~~an incident or occurrence~~ A CLAIM OR CLAIMS that would have been barred by a time limitation before October 1, 2023, may not exceed:

(1) FOR AN ACTION FILED ON OR BEFORE MAY 31, 2025, \$1,500,000;
AND

(2) FOR AN ACTION FILED ON OR AFTER JUNE 1, 2025, \$700,000.

(d) ~~(1) [No action] THIS SUBSECTION APPLIES ONLY TO ACTIONS~~ for damages ~~UNDER THIS SECTION~~ that would have been barred by a time limitation before October 1, 2023~~].~~

~~(2) AN ACTION~~ may ~~NOT~~ be brought ~~[under this section]~~ if the alleged victim of abuse is deceased at the commencement of the action.

~~(3) AN ACTION AGAINST THE STATE OR A UNIT OF STATE GOVERNMENT MAY NOT BE FILED ON OR AFTER JANUARY 1, 2026.~~

(E) IN ANY ACTION FOR DAMAGES FILED ON OR AFTER JUNE 1, 2025, ARISING OUT OF A CLAIM OR CLAIMS OF SEXUAL ABUSE THAT OCCURRED WHILE THE CLAIMANT WAS A MINOR, COUNSEL MAY NOT CHARGE OR RECEIVE FEES THAT EXCEED:

(1) 20% OF THE SETTLEMENT; OR

(2) 25% OF THE JUDGMENT.

5–303.

(a) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, the liability of a local government may not exceed \$400,000 per an individual claim, and \$800,000 per total claims that arise from the same occurrence for damages resulting from tortious acts or omissions, or liability arising under subsection (b) of this section and indemnification under subsection (c) of this section.

(2) The limits on liability provided under paragraph (1) of this subsection do not include interest accrued on a judgment.

(3) If the liability of a local government arises from intentional tortious acts or omissions or a violation of a constitutional right committed by a law enforcement officer, the following limits on liability apply:

(i) Subject to item (ii) of this paragraph, the combined award for both economic and noneconomic damages may not exceed a total of \$890,000 for all claims arising out of the same incident or occurrence, regardless of the number of claimants or beneficiaries who share in the award; and

(ii) In a wrongful death action in which there are two or more claimants or beneficiaries, an award for noneconomic damages may not exceed 150% of the limitation established under item (i) of this paragraph, regardless of the number of claimants or beneficiaries who share in the award.

(4) If the liability of a local government arises from [a claim] ONE OR MORE CLAIMS of sexual abuse, as defined in § 5–117 of this title, THAT OCCURRED WHEN THE CLAIMANT WAS A MINOR:

~~(I) FOR AN ACTION FILED ON OR BEFORE MAY 31, 2025~~
EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH, the liability may not exceed \$890,000 to a single claimant for injuries arising from [an incident or occurrence] THE CLAIM OR CLAIMS; AND

(II) FOR AN ACTION FILED ON OR AFTER JUNE 1, 2025, THAT WOULD HAVE BEEN BARRED BY A TIME LIMITATION BEFORE OCTOBER 1, 2023, THE LIABILITY MAY NOT EXCEED \$400,000 TO A SINGLE CLAIMANT FOR INJURIES ARISING FROM THE CLAIM OR CLAIMS.

5–518.

(b) A county board of education, described under Title 4, Subtitle 1 of the Education Article, may raise the defense of sovereign immunity to:

(1) Any amount claimed above the limit of its insurance policy; or

(2) If self-insured or a member of a pool described under § 4–105(c)(1)(ii) of the Education Article:

(i) Except as provided in item (ii) of this item, any amount above \$400,000; or

(ii) If the liability of the county board of education arises from [a claim] ONE OR MORE CLAIMS of sexual abuse, as defined in § 5–117 of this title, THAT OCCURRED WHEN THE CLAIMANT WAS A MINOR:

~~1. FOR AN ACTION FILED ON OR BEFORE MAY 31, 2025~~
EXCEPT AS PROVIDED IN ITEM 2 OF THIS ITEM, any amount above \$890,000 to a single claimant for THE CLAIM OR claims [arising from an incident or occurrence]; AND

1 **2. FOR AN ACTION FILED ON OR AFTER JUNE 1, 2025,**
2 **THAT WOULD HAVE BEEN BARRED BY A TIME LIMITATION BEFORE OCTOBER 1, 2023,**
3 **ANY AMOUNT ABOVE \$400,000 TO A SINGLE CLAIMANT FOR THE CLAIM OR CLAIMS.**

4 (c) (1) Except as provided in paragraph (2) of this subsection, a county board
5 of education may not raise the defense of sovereign immunity to any claim of \$400,000 or
6 less.

7 (2) If liability of a county board of education arises under [a claim] ONE
8 **OR MORE CLAIMS** of sexual abuse, as defined in § 5–117 of this title, **THAT OCCURRED**
9 **WHEN THE CLAIMANT WAS A MINOR:**

10 **(I) ~~FOR AN ACTION FILED ON OR BEFORE MAY 31, 2025~~ EXCEPT**
11 **AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH,** the liability may not exceed \$890,000
12 to a single claimant for injuries arising from [an incident or occurrence] THE CLAIM OR
13 **CLAIMS; AND**

14 **(II) ~~FOR~~ FOR AN ACTION FILED ON OR AFTER JUNE 1, 2025,**
15 **THAT WOULD HAVE BEEN BARRED BY A TIME LIMITATION BEFORE OCTOBER 1, 2023,**
16 **THE LIABILITY MAY NOT EXCEED \$400,000 TO A SINGLE CLAIMANT FOR INJURIES**
17 **ARISING FROM THE CLAIM OR CLAIMS.**

18 **Article – Education**

19 4–105.

20 (a) (1) Each county board shall carry comprehensive liability insurance to
21 protect the board and its agents and employees.

22 (2) The purchase of insurance in accordance with paragraph (1) of this
23 subsection is a valid educational expense.

24 (b) (1) The State Board shall establish standards for these insurance policies,
25 including a minimum liability coverage of not less than:

26 (i) [\$890,000 for each occurrence] ~~THE~~ THE AMOUNTS SPECIFIED
27 **UNDER § 5–518(C)(2) OF THE COURTS ARTICLE** for claims of sexual abuse made under
28 **§ 5–117 of the Courts Article THAT OCCURRED WHEN THE CLAIMANT WAS A MINOR; and**

29 (ii) \$400,000 for each occurrence for all other claims.

30 (2) The policies purchased under this section shall meet these standards.

31 (c) (1) A county board complies with this section if it:

(i) Is individually self-insured for [at least \$890,000 for each occurrence under] THE AMOUNTS SPECIFIED UNDER § 5-518(C)(2) OF THE COURTS ARTICLE AND MEETS the rules and regulations adopted by the State Insurance Commissioner; or

(ii) Pools with other public entities for the purpose of self-insuring property or casualty risks under Title 19, Subtitle 6 of the Insurance Article.

(2) A county board that elects to self-insure individually under this subsection periodically shall file with the State Insurance Commissioner, in writing, the terms and conditions of the self-insurance.

(3) The terms and conditions of this individual self-insurance:

(i) Are subject to the approval of the State Insurance Commissioner; and

(ii) Shall conform with the terms and conditions of comprehensive liability insurance policies available in the private market.

(d) A county board shall have the immunity from liability described under § 5-518 of the Courts and Judicial Proceedings Article.

Article – State Government

12-104.

(a) (1) Subject to the exclusions and limitations in this subtitle and notwithstanding any other provision of law, the immunity of the State and of its units is waived as to a tort action, in a court of the State, to the extent provided under paragraph (2) of this subsection.

(2) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, the liability of the State and its units may not exceed \$400,000 to a single claimant for injuries arising from a single incident or occurrence.

(ii) If liability of the State or its units arises from intentional tortious acts or omissions or a violation of a constitutional right committed by a law enforcement officer, the following limits on liability shall apply:

1. subject to item 2 of this subparagraph, the combined award for both economic and noneconomic damages may not exceed a total of \$890,000 for all claims arising out of the same incident or occurrence, regardless of the number of claimants or beneficiaries who share in the award; and

2. in a wrongful death action in which there are two or more claimants or beneficiaries, an award for noneconomic damages may not exceed 150% of the limitation established under item 1 of this item, regardless of the number of claimants or beneficiaries who share in the award.

(iii) If liability of the State or its units arises under [a claim] ONE OR MORE CLAIMS of sexual abuse, as defined in § 5–117 of the Courts Article, THAT OCCURRED WHEN THE CLAIMANT WAS A MINOR:

1. ~~FOR AN ACTION FILED ON OR BEFORE MAY 31, 2025~~
EXCEPT AS PROVIDED IN ITEM 2 OF THIS PARAGRAPH, the liability may not exceed \$890,000 to a single claimant for injuries arising from [an incident or occurrence] THE CLAIM OR CLAIMS; AND

2. FOR AN ACTION FILED ON OR AFTER JUNE 1, 2025, THAT WOULD HAVE BEEN BARRED BY A TIME LIMITATION BEFORE OCTOBER 1, 2023, THE LIABILITY MAY NOT EXCEED \$400,000 TO A SINGLE CLAIMANT FOR INJURIES ARISING FROM THE CLAIM OR CLAIMS.

SECTION 2. AND BE IT FURTHER ENACTED, That the Supreme Court of Maryland may adopt rules to implement the provisions of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before January 31, 2027, and each January 31 thereafter, the Maryland Judiciary shall report the following information to the General Assembly in accordance with § 2–1257 of the State Government Article:

(1) the amount of each award made to a claimant under this Act; and

(2) a summary of the sexual abuse claims underlying the award made to each claimant.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October ~~June~~ 1, 2025.