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HB436/SB1115 Courts – Improperly Summoning a Police Officer – Civil Liability

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Support with Amendment

Good afternoon Mr. Chair and Honorable Members of the Judiciary/Judicial Proceeding Committees. For the record, I am Aisha Braveboy, State's Attorney for Prince George's County. I am testifying in support with an amendment of HB436/SB1115 Courts – Improperly Summoning a Police Officer – Civil Liability. This bill creates a civil cause of action for damages against a person who knowingly causes a police officer to arrive at a location to contact the person with the intent to (1) infringe on the person's constitutional rights; (2) unlawfully discriminate against the person; (3) cause the person to feel harassed, humiliated, or embarrassed or be expelled from a place the person is lawfully entitled to be; or (4) damage the person's reputation or standing within the community or financial, economic, consumer, or business prospects or interests. Under this bill a person entitled to bring the civil action may recover (1) the greater of economic and noneconomic damages, including damages for emotional distress, or statutory damages of \$10,000 against each defendant found liable and (2) punitive damages. However, the legislation does not limit any other legal remedy to which the plaintiff is entitled.

The bill should be amended to ensure that this law cannot be used against domestic violence survivors. The broad language in Section A (4)

does not make it clear that this law cannot be utilized by domestic violence abusers to intimidate victims from coming forward for fear of being subjected to a civil suit.

Other states have taken similar steps to ensure that no person is permitted to use law enforcement to harass, discriminate, or infringe on another's constitutional rights. In 2019, the Governor of Oregon signed legislation creating a cause of action similar to HB436/SB1115 Courts – Improperly Summoning a Police Officer – Civil Liability. The law was introduced by a legislator who was the subject of a questionable 9-1-1 call when she was canvassing for reelection. Oregon's law allows a plaintiff to recover the greater of special and general damages, including damages for emotional distress, or statutory damages against each defendant found liable. Plaintiffs may also recover punitive damages. Similar to HB 436/SB 1115, Oregon's law is intended to allow civil recourse for racially motivated 9-1-1 calls. While, it was just recently enacted, Oregon's law appears to have a chilling effect on harassment and discrimination. HB436/SB1115 can have a similar effect on harassment and discrimination while conserving public safety resources. Law Enforcement officers will have more time to respond to real public safety concerns, not those motivated by discrimination. I urge your favorable report on HB436/SB1115 Courts – Improperly Summoning a Police Officer – Civil Liability.