



State of Maryland Commission on Civil Rights

Respect...Integrity...Effective Communication

February 28, 2023

Senate Bill 540 – Human Relations – Civil Rights Enforcement – Powers of the Attorney General

POSITION: Support with Amendments

Dear Chairperson, Smith, Vice Chairperson Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, health services, and state contracts based on race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

SB 540 will authorize the Office of the Attorney General to actively participate in the Maryland civil rights enforcement arena to investigate, prosecute, and remediate certain civil rights violations under certain circumstances as well as authorize the Attorney General to intervene in certain causes of actions. SB 540 will permit the Attorney General to issue subpoenas, establish certain penalties, obtain certain relief, and conciliate agreements. The Attorney General would be authorized to recover certain investigation and litigation cost. This bill will also establish a Civil Rights Enforcement Fund which has the purpose of providing funding for the costs of investigating and prosecuting civil rights violations and also fund education and outreach to the community relating to said violations. The Attorney General and the Maryland Commission on Civil Rights (“the Commission”) may seek reimbursements from the fund.

The Commission’s authorizing law, State Government Article, Title 20 is amended by SB 540 to provide the Attorney General with specific civil rights enforcement authority. SB 540 does not authorize the Attorney General to bring civil rights actions on behalf of an individual or against the State or local government that are under the sole jurisdictional authority of the Commission. SB 540 makes it clear that there is nothing in the bill that may be interpreted to impair the rights and powers of the Commission. An amendment recommended by the Commission to strengthen this intent of the bill will be offered by the sponsor.

“Our vision is to have a State that is free from any trace of unlawful discrimination.”

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The Attorney General's Office and the Commission have worked cooperatively on the language of SB 540, just as we will be in carrying out the bill's mandate. The two agencies will coordinate efforts in areas of overlapping jurisdiction to minimize duplication and collaborate in matters that may fall within this category. However, there are so many areas of civil rights enforcement that the involvement of the Attorney General is welcome because the Commission lacks jurisdiction, and the agency is unable to address the violations. For example, the commission lacks jurisdiction in the areas of education, voting rights, hate crimes and human trafficking just to name a few. A multi-prog enforcement effort is needed to protect the rights of Marylanders from civil and human rights violations that unfortunately continue.

It is important as we continue to pursue a mission of promoting and protecting civil rights for all Marylanders that we have the tools in place to address the myriad of injustices we continue to see on so many different fronts. We believe this legislation helps to fill existing voids in addressing issues and arenas which are not jurisdictional for the Maryland Commission on Civil Rights, while not duplicating roles and responsibilities.

For these reasons, the Maryland Commission on Civil Rights urges a favorable vote on SB 540. Thank you for your time and consideration of the information contained in this letter. MCCR looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.