



LEGISLATIVE POSITION:

Unfavorable

House Bill 772 - Human Relations - Civil Rights Enforcement - Powers of the Attorney General

House Judiciary Committee

Wednesday, March 1, 2023

Dear Chairman Clippinger and Members of the Committee,

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 6,400 members and federated partners working to develop and promote strong public policy that ensures sustained economic health and growth for Maryland businesses, employees, and families.

HB 772 seeks to authorize Maryland's Attorney General to investigate, prosecute and prosecute certain civil rights violations and to intervene in certain causes of action. This legislation also allows the Attorney General and the Maryland Commission on Civil Rights (MCCR) to be reimbursed for expenses accrued throughout the process of investigation and litigation. Lastly, the legislation establishes the Civil Rights Enforcement Fund in order to carry out civil rights enforcement activities. Under HB 772, the Attorney General's office will now be able to bring a suit against an employer on behalf of a class of employees.

The Maryland Chamber has several concerns about the potential impact of this legislation. We are concerned that this legislation will allow the Attorney General to circumvent, and potentially undermine, the critical work of the MCCR. The language of HB 772 could grant the Attorney General's office the ability to disregard any active or ongoing investigation undertaken by the MCCR. In order to avoid potentially contradictory or duplicative investigations and litigation, we believe that the Attorney General's office should not devote its limited resources towards investigating and litigating a potential civil rights violation until MCCR has completed its own investigation.

The Chamber is also concerned that, when combined with HB 771 – Patterns and Practices of Civil Rights Violations – Remedies, these pieces of legislation create separate standards for public and private sector employers. HB 771 and HB 772 make clear that the Attorney General's office is not able to bring similar suits against public sector entities, which we believe establishes an unhealthy double standard and overly complicated two-tiered justice system whereby public sector employers are granted an entirely separate process for resolution of serious civil rights violations.

For these reasons, the Maryland Chamber of Commerce respectfully requests an **Unfavorable Report** on **HB 772**.

