



## 2025 POSITION PAPER

SB786/HB1011

### Correctional Services – Private Detention Facilities – Deprivation of Rights, Privileges, and Immunities

#### SB786/HB1011 FAVORABLE

The Maryland Association for Justice respectfully requests a favorable report on SB786/HB1011, and would encourage an amendment to provide for a private cause of action in the circumstances prescribed in the legislation.

Violations of Constitutional Rights in Maryland detention centers are actionable through civil rights claims. These claims require “state action”, i.e. the deprivation of Constitutional rights being committed by an agent/employee of the State or the State itself. The proposed legislation appears to extend civil rights remedies to individuals who are deprived of rights, privileges and immunities in private detention centers. However, the legislation as drafted appears to only provide a cause of action to the Attorney General’s Office to enforce violations of Constitutional rights.

The Maryland Association for Justice routinely represents individuals whose constitutional rights have been violated in detention centers. We are familiar with the need for Constitutional protections of individuals housed in government detention centers. These protections are vital to the fair, equitable treatment of all individuals. We would, therefore, support the legislation as drafted but encourage amendment to allow for a private cause of action, in addition to the cause of action which could be pursued by the Office of the Attorney General. This amendment would provide more complete protection to individuals subjected to deprivation of Constitutional rights in private detention centers in Maryland.

### The Maryland Association for Justice urges a FAVORABLE Report on SB786/HB1011

#### About Maryland Association for Justice

The Maryland Association for Justice (MAJ) represents over 1,250 trial attorneys throughout the state of Maryland. MAJ advocates for the preservation of the civil justice system, the protection of the rights of consumers and the education and professional development of its members.

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