

SENATE BILL 5

E1
SB 71/22 – JPR

(PRE-FILED)

3lr0813
CF HB 13

By: **Senator Kramer**

Requested: November 15, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 8, 2023

CHAPTER _____

1 AN ACT concerning

2 **Hate Crimes – Civil Remedy**

3 FOR the purpose of providing that a person who is the victim of an act that would constitute
4 a violation of certain hate crime laws may bring a civil action against a certain
5 person; and generally relating to the right to file a civil action for a hate crime.

6 BY adding to
7 Article – Criminal Law
8 Section 10–309
9 Annotated Code of Maryland
10 (2021 Replacement Volume and 2022 Supplement)

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

13 **Article – Criminal Law**

14 **10–309.**

15 **(A) A PERSON WHO IS THE VICTIM OF AN ACT THAT WOULD CONSTITUTE A**
16 **VIOLATION OF THIS SUBTITLE MAY BRING A CIVIL ACTION AGAINST THE PERSON OR**
17 **PERSONS WHO COMMITTED THE ACT IN A COURT OF COMPETENT JURISDICTION.**

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.



(B) THE COURT MAY:

(1) ISSUE AN INJUNCTION TO PREVENT OR RESTRAIN AN ACT THAT WOULD CONSTITUTE A VIOLATION OF THIS SUBTITLE; AND

(2) AWARD DAMAGES IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.

(C) (1) DAMAGES AWARDED BY A COURT UNDER THIS SECTION MAY INCLUDE:

(I) ECONOMIC DAMAGES AND ANY OTHER PECUNIARY LOSS SUSTAINED BY THE PLAINTIFF THAT WAS PROXIMATELY CAUSED BY THE VIOLATION OF THIS SUBTITLE; AND

(II) NONECONOMIC DAMAGES, INCLUDING:

1. PAIN AND SUFFERING;

2. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EMOTIONAL DISTRESS;

3. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, MENTAL ANGUISH;

4. LOSS OF ENJOYMENT;

5. LOSS OF COMPANIONSHIP, SERVICES, AND CONSORTIUM; AND

6. OTHER NONPECUNIARY LOSS SUSTAINED BY THE PLAINTIFF THAT WAS PROXIMATELY CAUSED BY THE ACT THAT WOULD CONSTITUTE A VIOLATION OF THIS SUBTITLE.

(2) THE COURT MAY ALSO AWARD REASONABLE ATTORNEY'S FEES AND COURT COSTS TO A PREVAILING PLAINTIFF.

(3) NONECONOMIC DAMAGES UNDER PARAGRAPH (1)(II)2 AND 3 OF THIS SUBSECTION MAY NOT INCLUDE EMOTIONAL DISTRESS OR MENTAL ANGUISH CAUSED SOLELY BY THE NEED TO REPLACE OR REPAIR PERSONAL OR REAL PROPERTY.

(D) DAMAGES AWARDED BY A COURT UNDER SUBSECTION (C)(1) OF THIS

1 SECTION MAY BE EQUAL TO THREE TIMES THE AMOUNT OF ACTUAL DAMAGES.

2 (E) THIS SECTION DOES NOT AFFECT ANY LEGAL OR EQUITABLE RIGHT OR
3 REMEDY OTHERWISE PROVIDED BY LAW.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
5 apply only prospectively and may not be applied or interpreted to have any effect on or
6 application to any cause of action arising before the effective date of this Act.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.