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Economic Matters Committee



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**Testimony for HB 201: Immunities - Associations, Organizations, and Charities - Liability
of Agents and Volunteers
Judiciary Committee**

Good afternoon Chairman, Vice Chair, and distinguished members of the committee. I am Del. Brian Crosby and it's an honor to present HB 201 entitled Immunities - Associations, Organizations, and Charities - Liability of Agents and Volunteers.

This bill removes the charitable immunity protection in cases where agents of a nonprofit, in the course of their duties, have committed sexual assault or rape. Charitable immunity is a legal doctrine which holds that charitable organizations are not liable under tort law. In Maryland, charitable immunity only applies if an organization carries liability insurance, and caps recovery to the limit of the insurance policy. This creates an incentive for organizations to carry insurance, because if they do not, recovery is not capped.

Originally, charitable immunity was based on the idea that funds raised from charitable donations should not be used to pay civil damages because donors intend for their donations to further charitable goals, not to cover legal bills. This is good policy, but in practice Maryland has become a safe harbor for organizations that do not take sexual misconduct seriously. We are one of only nine states where this policy still applies, along the likes of Alabama, Arkansas, Georgia, and Utah.

As a result of this policy, many survivors of sexual assault are unable to receive fair compensation for the harm caused. You will hear testimony from the Maryland Coalition Against Sexual Assault, who has included amendments that I support, and have already sent to drafting. Based on these reasons, I ask for a favorable ruling on HB 201.