

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 436

(Senator McCray)

Judicial Proceedings

Courts - Improperly Summoning a Police Officer - Civil Liability

This bill creates a civil cause of action for damages against a person who knowingly causes a police officer to arrive at a location to contact the person with the intent to (1) infringe on the person's State or federal constitutional rights; (2) unlawfully discriminate against the person; (3) cause the person to feel harassed, humiliated, or embarrassed or be expelled from a place the person is lawfully entitled to be; or (4) damage the person's reputation or standing within the community or financial, economic, consumer, or business prospects or interests. A person entitled to bring the civil action may recover (1) the greater of economic and noneconomic damages, including damages for emotional distress, or statutory damages of \$10,000 against each defendant found liable and (2) punitive damages. The bill does not limit any other legal remedy to which the plaintiff is entitled.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations, including the workload of the Judiciary.

Local Effect: The bill is not expected to materially affect local finances or operations, including circuit court caseloads.

Small Business Effect: None.

Analysis

Current Law: There are no statutory provisions directly applicable to the bill.

Background: In 2019, the Governor of Oregon signed into law legislation creating a cause of action similar to the one established under the bill. The law, which took effect January 1, 2020, allows a plaintiff to recover the greater of special and general damages, including damages for emotional distress, or statutory damages of \$250 against each defendant found liable. Plaintiffs may also recover punitive damages. The legislation is intended to allow civil recourse for racially motivated 9-1-1 calls and was introduced by a legislator who was the subject of a questionable 9-1-1 call when she was canvassing for reelection.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 1115 (Delegate Charles, *et al.*) - Judiciary.

Information Source(s): Maryland State Treasurer's Office; Judiciary (Administrative Office of the Courts); Oregon Public Broadcasting; NBC News; oregonlive.com; Department of Legislative Services

Fiscal Note History: First Reader - February 12, 2020
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