

# HOUSE BILL 771

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CF SB 658

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By: **The Speaker (By Request – Office of the Attorney General)**

Introduced and read first time: February 8, 2023

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Human Relations – Patterns and Practices of Civil Rights Violations – Remedies**

3 FOR the purpose of authorizing the Attorney General to investigate and initiate a civil  
4 action to remedy certain unlawful patterns or practices committed by certain  
5 government officials; providing that the Attorney General shall have subpoena  
6 power to support certain investigations; providing that the Attorney General may  
7 obtain equitable and declaratory relief to eliminate the pattern or practice of certain  
8 conduct; and generally relating to remedies for civil rights violations committed by  
9 certain government officials.

10 BY adding to

11 Article – State Government

12 Section 20–1040 and 20–1041 to be under the new part “Part III. Enforcement by  
13 the Attorney General”

14 Annotated Code of Maryland

15 (2021 Replacement Volume and 2022 Supplement)

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

18 **Article – State Government**

19 **20–1038. RESERVED.**

20 **20–1039. RESERVED.**

21 **PART III. ENFORCEMENT BY THE ATTORNEY GENERAL.**

22 **20–1040.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS  
2 INDICATED.

3 (B) "ATTORNEY GENERAL" MEANS THE ATTORNEY GENERAL AND THE  
4 OFFICE OF THE ATTORNEY GENERAL.

5 (C) "CORRECTIONAL FACILITY" HAS THE MEANING STATED IN § 1-101 OF  
6 THE CORRECTIONAL SERVICES ARTICLE.

7 (D) "DIVISION OF CORRECTION" HAS THE MEANING STATED IN § 1-101 OF  
8 THE CORRECTIONAL SERVICES ARTICLE.

9 (E) "DIVISION OF PAROLE AND PROBATION" HAS THE MEANING STATED IN  
10 § 1-101 OF THE CORRECTIONAL SERVICES ARTICLE.

11 (F) "IMMIGRATION DETENTION FACILITY" HAS THE MEANING STATED IN §  
12 1-101 OF THE CORRECTIONAL SERVICES ARTICLE.

13 (G) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN § 3-201  
14 OF THE PUBLIC SAFETY ARTICLE.

15 (H) "STATE BEHAVIORAL HEALTH FACILITY" MEANS A FACILITY  
16 ENUMERATED IN § 10-406(A) OF THE HEALTH – GENERAL ARTICLE.  
17 20-1041.

18 (A) NO GOVERNMENTAL AUTHORITY, OR AGENT OF A GOVERNMENTAL  
19 AUTHORITY, OR PERSON ACTING ON BEHALF OF A GOVERNMENTAL AUTHORITY, MAY  
20 ENGAGE IN A PATTERN OR PRACTICE OF CONDUCT BY ANY OFFICIALS OR  
21 EMPLOYEES OF A LAW ENFORCEMENT AGENCY, A STATE BEHAVIORAL HEALTH  
22 FACILITY, A CORRECTIONAL FACILITY, AN IMMIGRATION DETENTION FACILITY, THE  
23 DIVISION OF CORRECTION, THE DIVISION OF PAROLE AND PROBATION, OR THE  
24 DEPARTMENT OF JUVENILE SERVICES THAT DEPRIVES AN INDIVIDUAL OF RIGHTS,  
25 PRIVILEGES, OR IMMUNITIES SECURED OR PROTECTED BY THE U.S.  
26 CONSTITUTION, THE MARYLAND CONSTITUTION, OR STATE OR FEDERAL LAW.

27 (B) (1) IF THE ATTORNEY GENERAL HAS REASONABLE CAUSE TO  
28 BELIEVE THAT A VIOLATION OF SUBSECTION (A) OF THIS SECTION HAS OCCURRED,  
29 THE ATTORNEY GENERAL MAY:

30 (I) 1. SUBPOENA WITNESSES;

31 2. ADMINISTER OATHS;

1                                   **3.     EXAMINE INDIVIDUALS UNDER OATH; AND**

2                                   **4.     COMPEL PRODUCTION OF RECORDS, BOOKS, PAPERS,**  
3 **CONTRACTS, AND OTHER DOCUMENTS; AND**

4                                   **(II)   BRING A CIVIL ACTION TO OBTAIN APPROPRIATE**  
5 **EQUITABLE AND DECLARATORY RELIEF TO ELIMINATE THE PATTERN OR PRACTICE**  
6 **OF CONDUCT.**

7                                   **(2)   INFORMATION OBTAINED UNDER A SUBPOENA ISSUED IN**  
8 **ACCORDANCE WITH THIS SUBSECTION IS NOT ADMISSIBLE IN A LATER CRIMINAL**  
9 **PROCEEDING AGAINST THE PERSON WHO PROVIDES THE EVIDENCE.**

10                                   **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
11 **October 1, 2023.**