

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 394

(Delegate Guzzone, *et al.*)

Health and Government Operations

Judicial Proceedings

Human Relations - Commission on Civil Rights - Appeal of Final Orders

This bill expands the judicial review available when there is a finding of no probable cause by the Maryland Commission on Civil Rights (MCCR) by establishing that (unless otherwise specified) such a finding is a final order appealable in accordance with the Administrative Procedure Act.

Fiscal Summary

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

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Current Law: MCCR is the independent State agency charged with the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, and State contracting. Procedures for alleging discrimination and available remedies are specified in statute and differ depending on the type of discrimination alleged. Generally, an individual alleging discrimination may initiate the process by filing a complaint with MCCR within timeframes specified in statute.

In general, following the receipt of a properly filed complaint, the case is assigned to an MCCR investigator to determine whether there is probable cause that discrimination has

occurred. If at the conclusion of the investigatory stage MCCR believes there is no probable cause that discrimination occurred, it issues a finding of no probable cause.

Upon receipt of a finding of no probable cause, a complainant may file a request for reconsideration of the finding in accordance with MCCR's regulations. A denial of a request for reconsideration of a finding of no probable cause by MCCR is a final order appealable *to the circuit court*, unless the U.S. Equal Employment Opportunity Commission has jurisdiction over the subject matter of the complaint, as specified.

The Supreme Court of Maryland held in *Rowe v. MCCR*, 483 Md. 329 (2023) that there is no express statutory grant of review in the Appellate Court of Maryland of circuit court rulings on judicial review of no-probable-cause findings by MCCR. According to the court, the plain language of the statute demonstrates that the General Assembly intended to confine judicial review of MCCR's no probable cause determinations to the circuit court. For further discussion of the court's holding in *Rowe*, please see the discussion in the *Cases and Decisions Update* prepared by the Department of Legislative Services.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 50 (Senator Lam, *et al.*) - Judicial Proceedings.

Information Source(s): Maryland Commission on Civil Rights; Judiciary (Administrative Office of the Courts); Office of Administrative Hearings; Department of Legislative Services

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