

# HOUSE BILL 818

D3  
HB 903/17 – JUD

5lr3455

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By: **Delegates Ruff, Acevero, Amprey, Boyce, Conaway, Crutchfield, Davis, Edelson, Holmes, Kaufman, Mireku–North, Phillips, Ruth, Smith, Solomon, Stewart, Taylor, Wilkins, Williams, and Young**

Introduced and read first time: January 29, 2025

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Award of Attorney’s Fees and Expenses – Violation of Maryland Constitutional**  
3 **Right**

4 FOR the purpose of authorizing a court to award to a prevailing plaintiff reasonable  
5 attorney’s fees and expenses in certain actions seeking to remedy a violation of a  
6 Maryland constitutional right; authorizing a court to award reasonable attorney’s  
7 fees and expenses to a prevailing defendant under certain circumstances;  
8 establishing that certain limits on attorney’s fees under the Maryland Tort Claims  
9 Act do not apply to a certain award of attorney’s fees and expenses; and generally  
10 relating to awarding attorney’s fees and expenses in certain actions seeking to  
11 remedy a violation of a Maryland constitutional right.

12 BY adding to

13 Article – Courts and Judicial Proceedings  
14 Section 3–2601 and 3–2602 to be under the new subtitle “Subtitle 26. Award of  
15 Attorney’s Fees and Expenses – Violation of Maryland Constitutional Right”  
16 Annotated Code of Maryland  
17 (2020 Replacement Volume and 2024 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – State Government  
20 Section 12–109  
21 Annotated Code of Maryland  
22 (2021 Replacement Volume and 2024 Supplement)

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

25 **Article – Courts and Judicial Proceedings**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1       **SUBTITLE 26. AWARD OF ATTORNEY’S FEES AND EXPENSES – VIOLATION OF**  
2                                   **MARYLAND CONSTITUTIONAL RIGHT.**

3       **3–2601.**

4           **(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A COURT MAY**  
5       **AWARD TO A PREVAILING PLAINTIFF REASONABLE ATTORNEY’S FEES AND**  
6       **EXPENSES FOR ANY CLAIM FOR RELIEF AGAINST THE STATE, ANY POLITICAL**  
7       **SUBDIVISION OF THE STATE, OR AN EMPLOYEE OR AGENT OF THE STATE OR ANY**  
8       **POLITICAL SUBDIVISION OF THE STATE IF THE CLAIM FOR RELIEF SEEKS TO**  
9       **REMEDY A VIOLATION OF A RIGHT THAT IS SECURED BY THE MARYLAND**  
10       **CONSTITUTION OR THE MARYLAND DECLARATION OF RIGHTS.**

11           **(B) A COURT MAY AWARD REASONABLE ATTORNEY’S FEES AND EXPENSES**  
12       **TO A PREVAILING DEFENDANT ONLY ON A FINDING THAT THE CLAIM FOR RELIEF**  
13       **BROUGHT BY THE PLAINTIFF TO REMEDY A VIOLATION OF A RIGHT THAT IS SECURED**  
14       **BY THE MARYLAND CONSTITUTION OR THE MARYLAND DECLARATION OF RIGHTS**  
15       **WAS MAINTAINED IN BAD FAITH OR WITHOUT SUBSTANTIAL JUSTIFICATION.**

16       **3–2602.**

17           **FOR PURPOSES OF THIS SUBTITLE, A COURT SHALL DETERMINE WHETHER TO**  
18       **AWARD ATTORNEY’S FEES AND EXPENSES BY CONSIDERING THE FACTORS LISTED IN**  
19       **MARYLAND RULE 2–703(F)(3).**

20                                   **Article – State Government**

21       12–109.

22           **[Counsel] EXCEPT AS PROVIDED IN § 3–2601 OF THE COURTS ARTICLE,**  
23       **COUNSEL may not charge or receive fees that exceed:**

24           (1)     20% of a settlement made under this subtitle; or

25           (2)     25% of a judgment made under this subtitle.

26           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to**  
27       **apply only prospectively and may not be applied or interpreted to have any effect on or**  
28       **application to any case filed before the effective date of this Act.**

29           **SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
30       **October 1, 2025.**