

SUSAN C. LEE
Legislative District 16
Montgomery County

MAJORITY WHIP

Judicial Proceedings Committee

Joint Committee on
Cybersecurity, Information Technology,
and Biotechnology

Chair Emeritus
Maryland Legislative Asian American
and Pacific Islander Caucus

President Emeritus
Women Legislators of the
Maryland General Assembly, Inc.



James Senate Office Building
11 Bladen Street, Room 223
Annapolis, Maryland 21401
410-841-3124 · 301-858-3124
800-492-7122 Ext. 3124
Susan.Lee@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 12, 2020

Senate Judicial Proceedings Committee

Senate Bill 364 - Maryland Commission on Civil Rights - Civil Penalties

Senate Bill Senate Bill 364 was brought to us by the Maryland Commission on Civil Rights (MCCR) to fill a gap in our discrimination law. There is a private cause of action for housing and employment discrimination but not for discrimination in a place of public accommodation. Several years ago we proposed a private right of action but instead of pushing that approach, we worked for years with the opposition to craft an alternative mechanism that built on the existing MCCR process. This is that compromised bill, and it passed the House with the same language last year, without getting a JPR vote.

SB 364 simply raises the maximum allowable civil penalty that is set by an ALJ after examining all mitigating factors, good faith efforts to remedy the circumstances, and the harm effect on the complainant. This is found in COMAR 14.03.03.02 and this bill largely codifies that language.

The purpose of this bill is three fold, first, we want to discourage discrimination in places of public accommodations by incentivizing complaints to be made, second, help make victims more whole, and finally, to provide a reasonable mechanism to allow a place of public accommodation for everyone. There are no new mechanisms in this bill, just increased thresholds to make it worth a complainant's while to make a complaint. There are less than 100 complaints a year for violations of discrimination in a place of public accommodation in Maryland, and the added incentives to make a complaint will not lead to many windfall settlements. In fact, we only hope this will encourage more compliance with existing law, without need for civil penalties. However, where needed, civil penalties are not only appropriate, they are necessary to enforce compliance with existing state laws. The ADA process is expensive for all parties, and this approach is more appropriate in many circumstances. This is a barebones bill the opposition has shaped.

For these reasons, I respectfully request a favorable committee report on SB 364.