

Prince George's County Council

Agenda Item Summary

Meeting Date: 11/12/2014
Reference No.: CB-085-2014
Draft No.: 1
Proposer(s): County Executive
Sponsor(s): Toles, Franklin, Turner, Patterson
Item Title: An Act concerning the Human Relations Commission for the purpose of updating and amending provisions of the County Code pertaining to compensatory damages and civil fines

Drafter: D. Michael Lyles, Executive Director, Human Relations Commission
Resource Personnel: D. Michael Lyles, Human Relations Commission

LEGISLATIVE HISTORY:

Date Presented:	9/23/2014	Executive Action:	11/20/2014 S
Committee Referral:	9/23/2014 - PSFM	Effective Date:	1/5/2015

Committee Action: 10/9/2014 - FAV

Date Introduced: 10/14/2014
Public Hearing: 11/12/2014 - 12:00 PM

Council Action (1) 11/12/2014 - ENACTED
Council Votes: WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A
Pass/Fail: P
Remarks:

AFFECTED CODE SECTIONS:

02-195.01

COMMITTEE REPORTS:

Public Safety and Fiscal Management

Date 10/9/2014

REPORT: Committee Vote: Favorable 3-0 (In Favor: Councilmembers Toles, Lehman and Turner)

This legislation will increase the cap on compensatory damages awarded and civil fines imposed by the Human Relations Commission (the "Commission") for civil rights violations. The County's cap on compensatory damages has not changed since 1992. Also, the County's cap on civil fines has not changed since it was established in 1998. These caps are not reflective of the increase costs of enforcing civil rights laws; therefore, they do not serve as a deterrent to potential or repeat violators. The legislation is amended to increase the maximum amount of compensatory damages from \$100,000 to \$200,000 and the maximum amount of civil fines from \$5,000 to \$10,000.

Also, this bill gives the Commission the authority to collect and negotiate the payment of civil fines and assessments as part of the conciliation procedure without holding a public hearing. These changes will provide additional incentives for the respondents and the Executive Director of the Commission to settle cases without conducting a public hearing.

The Office of Law has reviewed this bill and finds it to be in proper legislative form with no legal impediments to its enactment.

The enactment of CB-85-2014 will have a positive fiscal impact on the County with the increase in compensatory damages and civil fines. The Executive Director of the Commission states that in FY 2014 the amount of fines collected is \$1,500. Also, the Commission's ability to negotiate and collect payment of civil fines and assessments should have a positive fiscal impact.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

This legislation increases the caps on compensatory damages awarded and civil fines imposed by the Commission for civil rights violations. The County's cap on compensatory damages has not been amended since 1992 (see CB-48-1992). Similarly, the County's cap on civil fines has not been amended since it was first established in 1998 (see CB-4-1998). Both caps do not reflect the rising costs of enforcing civil rights laws and do not serve as a deterrent to potential or repeat violators. This legislation increases the cap on compensatory damages from \$100,000 to \$200,000 and increases the cap on civil fines from \$5,000 to \$10,000.

Additionally, this legislation expands the imposition of civil fines to any civil rights violations enumerated under Subtitle 2, Division 12 of the County Code. Currently, the Commission may only impose civil fines for cases involving employment and public accommodation discrimination.

Lastly, this legislation grants the Commission the authority to negotiate and collect the payments of civil fines and assessments as a part of the conciliation procedure. The ability to negotiate civil fines and assessments would help the Commission to recover some of the costs associated with investigations in lieu of conducting formal hearings. It would also provide an additional incentive for the respondents and the Executive Director of the Commission to settle cases without conducting a public hearing.

CODE INDEX TOPICS:

INCLUSION FILES:
