

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 694

(Senator Smith)

Judicial Proceedings

Government, Labor, and Elections

Human Relations - Violations of County Discrimination Laws - Complaints

This bill establishes that filing a complaint with the Maryland Commission on Civil Rights (MCCR) satisfies specified prerequisites to commencing a civil action alleging the violation of a discriminatory act prohibited by a county or local discrimination law.

Fiscal Summary

State Effect: The bill is procedural in nature and does not materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Current Law:

State Government Article § 20-1202 – Civil Actions in Howard, Montgomery, and Prince George’s Counties

A person that is subjected to a discriminatory act prohibited by the county code may bring and maintain a civil action against the person that committed the alleged discriminatory act for damages, injunctive relief, or other civil relief. An action must be commenced in the circuit court for the county in which the alleged discriminatory act occurred within two years after the occurrence of the alleged discriminatory act. An action alleging discrimination in employment or public accommodations may not commence sooner than 45 days after the aggrieved person files a complaint with the county unit responsible for handling violation of the county discrimination laws. An action alleging discrimination in real estate may commence at any time.

The court may award the prevailing party reasonable attorney's fees, expert witness fees, and costs.

State Government Article § 20-1203 – Civil Actions in Baltimore County

A person that is employed by an employer with fewer than 15 employees and that is subjected to a discriminatory act prohibited by the county code may bring and maintain a civil action against the employer that committed the alleged discriminatory act for relief. An action must commence in the Baltimore County Circuit Court within two years after the occurrence of the alleged discriminatory act. An action may not be commenced sooner than 60 days after the aggrieved person files a complaint with the county unit responsible for handling violations of the county discrimination laws.

In a civil action, the court may award the prevailing party injunctive relief and/or compensatory damages, including back pay. A prevailing party may not be awarded punitive damages. The court may award the prevailing party reasonable attorney's fees.

Maryland Commission on Civil Rights

MCCR is the State agency generally charged with the enforcement of laws prohibiting discrimination in specified areas. An individual alleging discrimination may file an inquiry with MCCR, which initiates the intake process. Generally, a complaint must be filed within six months after the date on which the alleged discriminatory act occurred; however, a complaint alleging an unlawful employment practice other than harassment must be filed within 300 days after the date on which the alleged discriminatory act occurred. A complaint alleging harassment against an employer must be filed within two years after the date the alleged harassment occurred. A complaint filed with a federal or local human relations commission within the aforementioned time periods must be deemed to have complied with these filing requirements.

Once a complaint has been properly filed, 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 probable cause that discrimination occurred, MCCR issues a finding and attempts to resolve the matter through conciliation. If an agreement to remedy and eliminate the discrimination cannot be reached, the matter is certified for litigation and may proceed in a number of ways, including being heard before an administrative law judge. Available remedies vary depending on the type of discrimination alleged; such remedies may, under certain circumstances, include injunctive relief, the imposition of civil penalties, and actual and/or punitive damages, as specified.

Additional Comments: In *Rachel-Smith v. FTData, Inc.*, 247 F. Supp. 2d 734 (D. Md. 2003), the District Court of Maryland dismissed a plaintiff's claim of employment discrimination prohibited by the Prince George's County Code because, despite initially SB 694/ Page 2

filing a complaint with MCCR (which then cross-filed her claims with the Equal Employment Opportunity Commission (EEOC)), the plaintiff did not *also* file a complaint directly with the Prince George’s County Human Rights Commission (PGCHRC). Rachel-Smith argued that existing work sharing agreements supported her good faith belief that after timely filing with MCCR, MCCR would automatically cross-file her complaint with the EEOC, and the EEOC would automatically cross-file with PGCHRC. Rachel-Smith cited 29 C.F.R. § 1601.70(d) that “where there exist agencies of concurrent jurisdiction, the EEOC may defer to the fair employment practice agency which would best serve the purposes of title VII or the ADA, or to both.”

However, 29 C.F.R. § 1601.70(d), also states that “where both State and local fair employment practice agencies exist, the EEOC reserves the right to defer to the State agency only.” Accordingly, the District Court held that Rachel-Smith was not justified to believe her claim would be cross-filed with PGCHRC via the EEOC, thus her claims brought under the Prince George’s County Code were dismissed.

Maryland Commission on Civil Rights – Fiscal 2025 Annual Report

According to MCCR’s [Fiscal 2025 Annual Report](#), it received 113 complaints in Baltimore County; 43 complaints in Howard County; 123 complaints in Montgomery County; and 97 complaints in Prince George’s County. The majority of complaints alleged discrimination in employment and housing.

Additional Information

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

Designated Cross File: None.

Information Source(s): Maryland Commission on Civil Rights; Baltimore and Prince George’s counties; Judiciary (Administrative Office of the Courts); Office of Administrative Hearings; Department of Legislative Services

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