

SENATE BILL 314

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4lr0466

By: **Senator Benson**

Introduced and read first time: January 11, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Law – Willful Misconduct of a Minor – Civil Liability of a Parent, Legal**
3 **Guardian, or Custodian**
4 **(Parental Accountability Act)**

5 FOR the purpose of establishing the joint and several civil liability of a parent, guardian,
6 or custodian of a minor who commits an act of willful misconduct that results in the
7 death or injury of an individual or damage to property, subject to a certain exception;
8 requiring the Administrative Office of the Courts to periodically adjust and publish
9 certain maximum liability amounts; limiting the liability of an insurance provider
10 under this Act; and generally relating to the liability of a parent, legal guardian, or
11 custodian of a minor who commits willful misconduct.

12 BY adding to
13 Article – Courts and Judicial Proceedings
14 Section 3–8A–36
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2023 Supplement)

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

19 **Article – Courts and Judicial Proceedings**

20 **3–8A–36.**

21 **(A) (1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE**
22 **PARENT, LEGAL GUARDIAN, OR CUSTODIAN WITH CUSTODY AND CONTROL OF A**
23 **MINOR IS JOINTLY AND SEVERALLY LIABLE FOR CIVIL DAMAGES WITH THE MINOR**
24 **FOR ANY ACT OF WILLFUL MISCONDUCT OF THE MINOR THAT RESULTS IN:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(I) THE INJURY OR DEATH OF ANOTHER; OR

(II) DAMAGE TO THE PROPERTY OF ANOTHER.

(2) LIABILITY UNDER THIS SECTION IS IN ADDITION TO ANY OTHER LIABILITY UNDER LAW.

(B) (1) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE LIABILITY OF THE PARENT, LEGAL GUARDIAN, OR CUSTODIAN WITH CUSTODY AND CONTROL OF A MINOR UNDER THIS SECTION MAY NOT EXCEED \$25,000 FOR EACH ACT OF WILLFUL MISCONDUCT, EXCLUDING ATTORNEY'S FEES AND COSTS.

(2) (I) FOR AN INDIVIDUAL INJURED BY THE WILLFUL MISCONDUCT OF THE MINOR, DAMAGES AWARDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE LIMITED TO ACTUAL DAMAGES FOR MEDICAL, DENTAL, AND HOSPITAL COSTS.

(II) FOR AN ACT OF WILLFUL MISCONDUCT OF A MINOR THAT RESULTS IN THE DEFAACEMENT OF PROPERTY WITH PAINT OR A SIMILAR SUBSTANCE, DAMAGES AWARDED TO A PREVAILING PARTY MAY NOT EXCEED \$25,000 INCLUDING ATTORNEY'S FEES AND COSTS.

(C) (1) A PARENT, GUARDIAN, OR CUSTODIAN IS NOT LIABLE UNDER THIS SECTION IF THE PARENT, GUARDIAN, OR CUSTODIAN PROVIDES SUFFICIENT EVIDENCE TO THE COURT DEMONSTRATING THAT THE CHILD WAS NOT IN THE CUSTODY OR CONTROL OF THE PARENT, LEGAL GUARDIAN, OR CUSTODIAN AT THE TIME OF THE DELINQUENT ACT.

(2) SUFFICIENT EVIDENCE THAT A CHILD WAS NOT IN THE CUSTODY OR CONTROL OF A PARENT, LEGAL GUARDIAN, OR CUSTODIAN UNDER PARAGRAPH (1) OF THIS SUBSECTION INCLUDES:

(I) EVIDENCE THAT THE PARENT HAD A PROTECTIVE ORDER AGAINST THE CHILD AT THE TIME OF THE DELINQUENT ACT; OR

(II) EVIDENCE THAT THE CHILD OWES RESTITUTION TO THE PARENT.

(D) (1) DAMAGES AWARDED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE ADJUSTED EVERY 2 YEARS BY THE ADMINISTRATIVE OFFICE OF THE COURTS TO REFLECT ANY INCREASES IN THE COST OF LIVING IN THE STATE, AS INDICATED BY THE ANNUAL INCREASE OF THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE WASHINGTON METROPOLITAN AREA.

1 **(2) THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL ROUND**
2 **THE ADJUSTED AMOUNT UP OR DOWN TO THE NEAREST HUNDRED DOLLARS.**

3 **(3) ON OR BEFORE JULY 1 OF EACH ODD-NUMBERED YEAR, THE**
4 **ADMINISTRATIVE OFFICE OF THE COURTS SHALL COMPUTE AND PUBLISH THE**
5 **AMOUNTS LISTED IN SUBSECTION (B) OF THIS SECTION, AS ADJUSTED ACCORDING**
6 **TO THIS SUBSECTION.**

7 **(E) THE MAXIMUM LIABILITY IMPOSED UNDER THIS SECTION IS THE**
8 **MAXIMUM LIABILITY AUTHORIZED AT THE TIME THAT THE ACT OF WILLFUL**
9 **MISCONDUCT BY A MINOR WAS COMMITTED.**

10 **(F) (1) NOTHING IN THIS SECTION MAY BE CONSTRUED TO IMPOSE**
11 **LIABILITY ON AN INSURER FOR A LOSS CAUSED BY THE WILLFUL ACT OF THE**
12 **INSURED.**

13 **(2) AN INSURER MAY NOT BE HELD LIABLE FOR THE CONDUCT**
14 **IMPUTED TO A PARENT, LEGAL GUARDIAN, OR CUSTODIAN OF A CHILD BY THIS**
15 **SECTION FOR MORE THAN \$10,000.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2024.