

HOUSE BILL 456

D3

5lr0702

By: **Delegates Spiegel, Allen, Amprey, Boaf, Crutchfield, Fair, Foley, D. Jones, Kaufman, Lehman, Martinez, Mireku–North, Palakovich Carr, Pena–Melnyk, Ruff, Schindler, Shetty, Simpson, Stein, Taveras, Tomlinson, Valderrama, Vogel, Wolek, Woods, Woorman, and Wu**

Introduced and read first time: January 20, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Child Nonsexual Abuse and Neglect – Damages and Statute of**
3 **Limitations**

4 FOR the purpose of establishing a certain statute of limitations in certain civil actions
5 relating to child nonsexual abuse and neglect; establishing certain limitations on
6 damages that may be awarded under this Act; providing that a certain party may
7 appeal an interlocutory order under certain circumstances; applying this Act
8 prospectively and retroactively to certain actions barred by a certain statute of
9 limitations; and generally relating to child nonsexual abuse and neglect.

10 BY adding to
11 Article – Courts and Judicial Proceedings
12 Section 5–117.1
13 Annotated Code of Maryland
14 (2020 Replacement Volume and 2024 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Courts and Judicial Proceedings
17 Section 5–303(a), 5–518(b) and (c), and 12–303
18 Annotated Code of Maryland
19 (2020 Replacement Volume and 2024 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article – Courts and Judicial Proceedings
22 Section 5–518(a)
23 Annotated Code of Maryland
24 (2020 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY repealing and reenacting, with amendments,
Article – Education
Section 4–105
Annotated Code of Maryland
(2022 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 12–104(a)
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)

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

Article – Courts and Judicial Proceedings

5–117.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(2) “CHILD” MEANS AN INDIVIDUAL UNDER THE AGE OF 18 YEARS.

(3) (I) “NEGLECT” MEANS THE LEAVING OF A CHILD UNATTENDED
OR OTHER FAILURE TO GIVE PROPER CARE AND ATTENTION TO A CHILD BY ANY
PARENT OR OTHER PERSON WHO HAS PERMANENT OR TEMPORARY CARE OR
CUSTODY OR RESPONSIBILITY FOR SUPERVISION OF THE CHILD UNDER
CIRCUMSTANCES THAT INDICATE:

1. THAT THE CHILD’S HEALTH OR WELFARE IS HARMED
OR PLACED AT SUBSTANTIAL RISK OF HARM; OR

2. MENTAL INJURY TO THE CHILD OR A SUBSTANTIAL
RISK OF MENTAL INJURY.

(II) “NEGLECT” DOES NOT INCLUDE:

1. THE SEXUAL ABUSE OF A CHILD, AS DEFINED IN §
5–117 OF THIS SUBTITLE, OR THE PHYSICAL INJURY OF A CHILD BY ACCIDENTAL
MEANS; OR

2. THE FAILURE TO PROVIDE NECESSARY ASSISTANCE
AND RESOURCES FOR THE PHYSICAL NEEDS OR MENTAL HEALTH OF A CHILD WHEN

1 THE FAILURE IS DUE SOLELY TO A LACK OF FINANCIAL RESOURCES OR
2 HOMELESSNESS.

3 (4) (I) "NONSEXUAL ABUSE" MEANS THE PHYSICAL OR MENTAL
4 INJURY OF A CHILD UNDER CIRCUMSTANCES THAT INDICATE THAT THE CHILD'S
5 HEALTH OR WELFARE IS HARMED OR AT SUBSTANTIAL RISK OF BEING HARMED BY:

6 1. A PARENT;

7 2. A HOUSEHOLD MEMBER OR FAMILY MEMBER;

8 3. A PERSON WHO HAS PERMANENT OR TEMPORARY
9 CARE OR CUSTODY OF THE CHILD;

10 4. A PERSON WHO HAS RESPONSIBILITY FOR
11 SUPERVISION OF THE CHILD; OR

12 5. A PERSON WHO, BECAUSE OF THE PERSON'S
13 POSITION OR OCCUPATION, EXERCISES AUTHORITY OVER THE CHILD.

14 (II) "NONSEXUAL ABUSE" DOES NOT INCLUDE THE SEXUAL
15 ABUSE OF A CHILD, AS DEFINED IN § 5-117 OF THIS SUBTITLE, OR THE PHYSICAL
16 INJURY OF A CHILD BY ACCIDENTAL MEANS.

17 (B) THIS SECTION DOES NOT APPLY IF THE ALLEGED VICTIM OF
18 NONSEXUAL ABUSE OR NEGLECT IS DECEASED AT THE COMMENCEMENT OF AN
19 ACTION FOR DAMAGES BROUGHT UNDER THIS SECTION.

20 (C) NOTWITHSTANDING ANY TIME LIMITATION UNDER A STATUTE OF
21 LIMITATIONS, A STATUTE OF REPOSE, THE MARYLAND TORT CLAIMS ACT, THE
22 LOCAL GOVERNMENT TORT CLAIMS ACT, OR ANY OTHER LAW, AN ACTION FOR
23 DAMAGES ARISING OUT OF AN ALLEGED INCIDENT OR INCIDENTS OF NONSEXUAL
24 ABUSE OR NEGLECT THAT OCCURRED WHILE THE VICTIM WAS A CHILD SHALL BE
25 FILED WITHIN THE LATER OF:

26 (1) 20 YEARS AFTER THE DATE THAT THE VICTIM REACHED THE AGE
27 OF 18 YEARS; OR

28 (2) 3 YEARS AFTER THE DATE THAT THE DEFENDANT IS CONVICTED
29 OF A CRIME RELATING TO THE ALLEGED INCIDENT OR INCIDENTS UNDER:

30 (I) § 3-601 OR § 6-602.1 OF THE CRIMINAL LAW ARTICLE; OR

(II) THE LAWS OF ANOTHER STATE OR THE UNITED STATES THAT WOULD BE A CRIME UNDER § 3-601 OR § 6-602.1 OF THE CRIMINAL LAW ARTICLE.

(D) EXCEPT AS PROVIDED IN §§ 5-303 AND 5-518 OF THIS TITLE AND § 12-104 OF THE STATE GOVERNMENT ARTICLE, THE TOTAL AMOUNT OF NONECONOMIC DAMAGES THAT MAY BE AWARDED UNDER THIS SECTION TO A SINGLE CLAIMANT IN AN ACTION AGAINST A SINGLE DEFENDANT FOR INJURIES ARISING FROM AN INCIDENT OR OCCURRENCE THAT WOULD HAVE BEEN BARRED BY A TIME LIMITATION BEFORE OCTOBER 1, 2025, MAY NOT EXCEED \$1,500,000.

5-303.

(a) (1) Except as provided in paragraphs (2), (3), and (4) of this subsection, the liability of a local government may not exceed \$400,000 per an individual claim, and \$800,000 per total claims that arise from the same occurrence for damages resulting from tortious acts or omissions, or liability arising under subsection (b) of this section and indemnification under subsection (c) of this section.

(2) The limits on liability provided under paragraph (1) of this subsection do not include interest accrued on a judgment.

(3) If the liability of a local government arises from intentional tortious acts or omissions or a violation of a constitutional right committed by a law enforcement officer, the following limits on liability apply:

(i) Subject to item (ii) of this paragraph, the combined award for both economic and noneconomic damages may not exceed a total of \$890,000 for all claims arising out of the same incident or occurrence, regardless of the number of claimants or beneficiaries who share in the award; and

(ii) In a wrongful death action in which there are two or more claimants or beneficiaries, an award for noneconomic damages may not exceed 150% of the limitation established under item (i) of this paragraph, regardless of the number of claimants or beneficiaries who share in the award.

(4) If the liability of a local government arises from a claim of sexual abuse, as defined in § 5-117 of this title, **OR NONSEXUAL ABUSE OR NEGLECT, AS DEFINED IN § 5-117.1 OF THIS TITLE**, the liability may not exceed \$890,000 to a single claimant for injuries arising from an incident or occurrence.

5-518.

(a) (1) In this section the following words have the meanings indicated.

(2) “Compensation” does not include actual and necessary expenses that are incurred by a volunteer in connection with the services provided or duties performed by the volunteer for a county board of education, and that are reimbursed to the volunteer or otherwise paid.

(3) “County board employee” means:

(i) Any employee whose compensation is paid in whole or in part by a county board of education; or

(ii) A student teacher.

(4) “County board member” means a duly elected or appointed member of a county board of education.

(5) “Volunteer” means an individual who, at the request of the county board and under its control and direction, provides services or performs duties for the county board without compensation.

(b) A county board of education, described under Title 4, Subtitle 1 of the Education Article, may raise the defense of sovereign immunity to:

(1) Any amount claimed above the limit of its insurance policy; or

(2) If self-insured or a member of a pool described under § 4–105(c)(1)(ii) of the Education Article:

(i) Except as provided in item (ii) of this item, any amount above \$400,000; or

(ii) If the liability of the county board of education arises from a claim of sexual abuse, as defined in § 5–117 of this title, **OR NONSEXUAL ABUSE OR NEGLECT, AS DEFINED IN § 5–117.1 OF THIS TITLE**, any amount above \$890,000 to a single claimant for claims arising from an incident or occurrence.

(c) (1) Except as provided in paragraph (2) of this subsection, a county board of education may not raise the defense of sovereign immunity to any claim of \$400,000 or less.

(2) If liability of a county board of education arises under a claim of sexual abuse, as defined in § 5–117 of this title, **OR NONSEXUAL ABUSE OR NEGLECT, AS DEFINED IN § 5–117.1 OF THIS TITLE**, the liability may not exceed \$890,000 to a single claimant for injuries arising from an incident or occurrence.

12–303.

1 A party may appeal from any of the following interlocutory orders entered by a circuit
2 court in a civil case:

3 (1) An order entered with regard to the possession of property with which
4 the action is concerned or with reference to the receipt or charging of the income, interest,
5 or dividends therefrom, or the refusal to modify, dissolve, or discharge such an order;

6 (2) An order granting or denying a motion to quash a writ of attachment;
7 and

8 (3) An order:

9 (i) Granting or dissolving an injunction, but if the appeal is from an
10 order granting an injunction, only if the appellant has first filed his answer in the cause;

11 (ii) Refusing to dissolve an injunction, but only if the appellant has
12 first filed his answer in the cause;

13 (iii) Refusing to grant an injunction; and the right of appeal is not
14 prejudiced by the filing of an answer to the bill of complaint or petition for an injunction on
15 behalf of any opposing party, nor by the taking of depositions in reference to the allegations
16 of the bill of complaint to be read on the hearing of the application for an injunction;

17 (iv) Appointing a receiver but only if the appellant has first filed his
18 answer in the cause;

19 (v) For the sale, conveyance, or delivery of real or personal property
20 or the payment of money, or the refusal to rescind or discharge such an order, unless the
21 delivery or payment is directed to be made to a receiver appointed by the court;

22 (vi) Determining a question of right between the parties and
23 directing an account to be stated on the principle of such determination;

24 (vii) Requiring bond from a person to whom the distribution or
25 delivery of property is directed, or withholding distribution or delivery and ordering the
26 retention or accumulation of property by the fiduciary or its transfer to a trustee or receiver,
27 or deferring the passage of the court's decree in an action under Title 10, Chapter 600 of
28 the Maryland Rules;

29 (viii) Deciding any question in an insolvency proceeding brought
30 under Title 15, Subtitle 1 of the Commercial Law Article;

31 (ix) Granting a petition to stay arbitration pursuant to § 3–208 of this
32 article;

33 (x) Depriving a parent, grandparent, or natural guardian of the care
34 and custody of his child, or changing the terms of such an order;

(xi) Denying immunity asserted under § 5–525 or § 5–526 of this article; and

(xii) Denying a motion to dismiss a claim filed under § 5–117 **OR § 5–117.1** of this article if the motion is based on a defense that the applicable statute of limitations or statute of repose bars the claim and any legislative action reviving the claim is unconstitutional.

Article – Education

4–105.

(a) (1) Each county board shall carry comprehensive liability insurance to protect the board and its agents and employees.

(2) The purchase of insurance in accordance with paragraph (1) of this subsection is a valid educational expense.

(b) (1) The State Board shall establish standards for these insurance policies, including a minimum liability coverage of not less than:

(i) \$890,000 for each occurrence for claims of sexual abuse made under § 5–117 of the Courts Article **OR CLAIMS OF NONSEXUAL ABUSE OR NEGLECT MADE UNDER § 5–117.1 OF THE COURTS ARTICLE**; and

(ii) \$400,000 for each occurrence for all other claims.

(2) The policies purchased under this section shall meet these standards.

(c) (1) A county board complies with this section if it:

(i) Is individually self-insured for at least \$890,000 for each occurrence under the rules and regulations adopted by the State Insurance Commissioner; or

(ii) Pools with other public entities for the purpose of self-insuring property or casualty risks under Title 19, Subtitle 6 of the Insurance Article.

(2) A county board that elects to self-insure individually under this subsection periodically shall file with the State Insurance Commissioner, in writing, the terms and conditions of the self-insurance.

(3) The terms and conditions of this individual self-insurance:

(i) Are subject to the approval of the State Insurance Commissioner; and

(ii) Shall conform with the terms and conditions of comprehensive liability insurance policies available in the private market.

(d) A county board shall have the immunity from liability described under § 5–518 of the Courts and Judicial Proceedings Article.

Article – State Government

12–104.

(a) (1) Subject to the exclusions and limitations in this subtitle and notwithstanding any other provision of law, the immunity of the State and of its units is waived as to a tort action, in a court of the State, to the extent provided under paragraph (2) of this subsection.

(2) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, the liability of the State and its units may not exceed \$400,000 to a single claimant for injuries arising from a single incident or occurrence.

(ii) If liability of the State or its units arises from intentional tortious acts or omissions or a violation of a constitutional right committed by a law enforcement officer, the following limits on liability shall apply:

1. subject to item 2 of this subparagraph, the combined award for both economic and noneconomic damages may not exceed a total of \$890,000 for all claims arising out of the same incident or occurrence, regardless of the number of claimants or beneficiaries who share in the award; and

2. in a wrongful death action in which there are two or more claimants or beneficiaries, an award for noneconomic damages may not exceed 150% of the limitation established under item 1 of this item, regardless of the number of claimants or beneficiaries who share in the award.

(iii) If liability of the State or its units arises under a claim of sexual abuse, as defined in § 5–117 of the Courts Article, **OR NONSEXUAL ABUSE OR NEGLECT, AS DEFINED IN § 5–117.1 OF THE COURTS ARTICLE**, the liability may not exceed \$890,000 to a single claimant for injuries arising from an incident or occurrence.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply both prospectively and retroactively and shall be applied to and interpreted to affect any action that was barred by the application of the period of limitations applicable before October 1, 2025.

SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other

1 application of this Act that can be given effect without the invalid provision or application,
2 and for this purpose the provisions of this Act are declared severable.

3 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2025.