

HOUSE BILL 17

E4

11r0460

(PRE-FILED)

By: **Delegate Cox**

Requested: July 14, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Emergency Powers Limitations**
3 **(Consent of the Governed Act)**

4 FOR the purpose of making certain provisions of law relating to the issuance of certain
5 emergency orders subject to this Act; providing that a certain declaration is only
6 effective with a certain approval by the General Assembly and for only a certain
7 period of time; repealing a certain provision of legislative intent; altering certain
8 criminal penalties; requiring the Governor to take certain actions within a certain
9 number of days of the issuance of a certain emergency order; providing that a certain
10 state of emergency may not exceed a certain number of days except under certain
11 circumstances; providing that a certain emergency order does not apply to members
12 of the General Assembly or the Maryland Judiciary; prohibiting the Governor from
13 threatening to arrest a member of the General Assembly or Judiciary on certain
14 grounds; establishing that the Governor and certain individuals may not require a
15 member of the General Assembly, the Judiciary, or the public to remain indoors,
16 wear a face covering, or close or limit capacity of a business, church, or school under
17 a certain order; providing that a certain order may not be applied to a U.S. citizen
18 except under certain circumstances; providing that a certain order is not effective
19 under certain circumstances; providing for the construction of this Act; prohibiting
20 the Governor from closing any business or house of worship solely by use of a certain
21 order; providing that a building belonging to a business or house of worship may only
22 be closed under certain circumstances; providing that a certain order may not include
23 a requirement that a U.S. citizen remain at home; providing that a certain order may
24 not include a requirement that a U.S. citizen wear a face covering, receive a vaccine,
25 or be forced under penalty of law to make a certain health decision; providing that a
26 certain order meet certain requirements; providing for the burden of proof in a
27 certain action authorizing a certain person to seek treble damages from a certain
28 defendant by proving certain matters; providing that a certain claim does not require
29 proof of malice; establishing a certain liability waiver; defining a certain term; and
30 generally relating to emergency orders.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
 2 Article – Public Safety
 3 Section 14–107, 14–303, 14–304, 14–3A–02, and 14–3A–08(a)
 4 Annotated Code of Maryland
 5 (2018 Replacement Volume and 2020 Supplement)

6 BY repealing
 7 Article – Public Safety
 8 Section 14–302
 9 Annotated Code of Maryland
 10 (2018 Replacement Volume and 2020 Supplement)

11 BY adding to
 12 Article – Public Safety
 13 Section 14–3B–01 through 14–3B–06 to be under the new subtitle “Subtitle 3B.
 14 Emergency Powers Limitations”
 15 Annotated Code of Maryland
 16 (2018 Replacement Volume and 2020 Supplement)

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

19 **Article – Public Safety**

20 14–107.

21 (a) (1) **[If] SUBJECT TO SUBTITLE 3B OF THIS TITLE, IF** the Governor finds
 22 that an emergency has developed or is impending due to any cause, the Governor shall
 23 declare a state of emergency by executive order or proclamation.

24 (2) The state of emergency continues until the Governor:

25 (i) finds that the threat or danger has passed or the emergency has
 26 been dealt with to the extent that emergency conditions no longer exist; and

27 (ii) terminates the state of emergency by executive order or
 28 proclamation.

29 (3) A state of emergency may not continue for longer than **[30] 14** days
 30 unless the Governor, **ON A VOTE OF APPROVAL BY THE GENERAL ASSEMBLY BY JOINT**
 31 **RESOLUTION**, renews the state of emergency **FOR NO MORE THAN AN ADDITIONAL 14**
 32 **DAYS**.

33 (4) (i) The General Assembly by joint resolution may terminate a state
 34 of emergency at any time.

1 (ii) After the General Assembly terminates a state of emergency, the
2 Governor shall issue an executive order or proclamation that terminates the state of
3 emergency.

4 (b) (1) Each executive order or proclamation that declares or terminates a
5 state of emergency shall indicate:

6 (i) the nature of the emergency;

7 (ii) the area threatened; and

8 (iii) the conditions that have brought about the state of emergency or
9 that make possible the termination of the state of emergency.

10 (2) Each executive order or proclamation shall be:

11 (i) disseminated promptly by means calculated to publicize its
12 contents; and

13 (ii) unless prevented or impeded by the circumstances of the
14 emergency, filed promptly with:

15 1. MEMA;

16 2. the State Archives; and

17 3. the chief local records–keeping agency in the area to which
18 the executive order or proclamation applies.

19 (c) (1) After the Governor declares a state of emergency, the Director shall
20 coordinate the activities of the agencies of the State and of those political subdivisions
21 included in the declaration in all actions that serve to prevent or alleviate the ill effects of
22 the imminent or actual emergency.

23 (2) An executive order or proclamation that declares a state of emergency:

24 (i) activates the emergency response and recovery aspects of the
25 State and local emergency plans applicable to the political subdivision or area covered by
26 the declaration; and

27 (ii) is authority for:

28 1. the deployment and use of resources to which the State or
29 local plans apply; and

1 2. the use or distribution of supplies, equipment, materials,
2 and facilities assembled, stockpiled, or arranged to be made available in accordance with
3 this subtitle or any other law that relates to emergencies.

4 (d) (1) After declaring a state of emergency, the Governor, if the Governor
5 finds it necessary in order to protect the public health, welfare, or safety, may:

6 (i) suspend the effect of any statute or rule or regulation of an
7 agency of the State or a political subdivision;

8 (ii) direct and compel the evacuation of all or part of the population
9 from a stricken or threatened area in the State;

10 (iii) set evacuation routes and the modes of transportation to be used
11 during an emergency;

12 (iv) direct the control of ingress to and egress from an emergency
13 area, the movement of individuals in the area, and the occupancy of premises in the area;

14 (v) authorize the use of private property, in which event the owner
15 of the property shall be compensated for its use and for any damage to the property;

16 (vi) provide for temporary housing; and

17 (vii) authorize the clearance and removal of debris and wreckage.

18 (2) The powers of the Governor under this subsection are in addition to any
19 other authority vested in the Governor by law.

20 [14-302.

21 (a) The General Assembly recognizes the Governor's broad authority in the
22 exercise of the police power of the State to provide adequate control over persons and
23 conditions during impending or actual public emergencies.

24 (b) This subtitle shall be broadly construed to carry out the purpose of this
25 subtitle.]

26 14-303.

27 (a) [During] **SUBJECT TO SUBTITLE 3B OF THIS TITLE, DURING** a public
28 emergency in the State, the Governor may proclaim a state of emergency and designate the
29 emergency area:

30 (1) if public safety is endangered or on reasonable apprehension of
31 immediate danger to public safety; and

1 (2) on:

2 (i) the Governor's own initiative; or

3 (ii) the application of:

4 1. the chief executive officer or governing body of a county or
5 municipal corporation; or

6 2. the Secretary of State Police.

7 (b) After proclaiming a state of emergency, the Governor may promulgate
8 reasonable orders, rules, or regulations that the Governor considers necessary to protect
9 life and property or calculated effectively to control and terminate the public emergency in
10 the emergency area, including orders, rules, or regulations to:

11 (1) control traffic, including public and private transportation, in the
12 emergency area;

13 (2) designate specific zones in the emergency area in which the occupancy
14 and use of buildings and vehicles may be controlled;

15 (3) control the movement of individuals or vehicles into, in, or from the
16 designated zones;

17 (4) control places of amusement and places of assembly;

18 (5) control individuals on public streets;

19 (6) establish curfews;

20 (7) control the sale, transportation, and use of alcoholic beverages;

21 (8) control the possession, sale, carrying, and use of firearms, other
22 dangerous weapons, and ammunition;

23 (9) control the storage, use, and transportation of explosives or flammable
24 materials or liquids considered to be dangerous to public safety, including "Molotov
25 cocktails"; and

26 (10) authorize the use of alternate care sites.

27 (c) Before an order, rule, or regulation promulgated under subsection (b) of this
28 section takes effect, the Governor shall give reasonable notice of the order, rule, or
29 regulation:

30 (1) in a newspaper of general circulation in the emergency area;

1 (2) through television or radio serving the emergency area; or

2 (3) by circulating notices or posting signs at conspicuous places in the
3 emergency area.

4 (d) An order, rule, or regulation promulgated under subsection (b) of this section:

5 (1) takes effect from the time and in the manner specified in the order, rule,
6 or regulation;

7 (2) may be amended or rescinded, in the same manner as the original order,
8 by the Governor at any time during the state of emergency; and

9 (3) terminates when the Governor declares that the state of emergency no
10 longer exists.

11 14–304.

12 (a) **[On] SUBJECT TO SUBTITLE 3B OF THIS TITLE, ON** reasonable
13 apprehension that an energy emergency exists, the Governor may proclaim a state of
14 emergency.

15 (b) Notwithstanding any other provision or limitation of State or local law, if the
16 Governor proclaims a state of emergency under this section, in addition to any other order,
17 rule, or regulation promulgated under this subtitle, the Governor may promulgate orders,
18 rules, or regulations to:

19 (1) establish and implement programs, controls, standards, priorities, and
20 quotas for the allocation, conservation, and consumption of energy resources;

21 (2) suspend and modify existing standards and requirements affecting or
22 affected by the use of energy resources, including those that relate to air quality control,
23 the type and composition of various energy resources, the production and distribution of
24 energy resources, and the hours and days during which public buildings and commercial
25 and industrial establishments are authorized or required to remain open; and

26 (3) establish and implement regional programs and agreements to
27 coordinate the energy resource programs and actions of the State with those of the federal
28 government and of other states and localities.

29 (c) Instead of or in addition to the penalties provided in § 14–308 of this subtitle,
30 an order, rule, or regulation promulgated by the Governor under this section may provide
31 for:

32 (1) the imposition of a civil penalty not exceeding \$1,000 for each violation;
33 and

1 (2) the method and conditions of collecting the civil penalty.

2 (d) (1) In this subsection, “Committee” means:

3 (i) the Joint Committee on Administrative, Executive, and
4 Legislative Review; or

5 (ii) any other joint committee substituted by the General Assembly
6 by law to carry out the responsibilities of the Joint Committee on Administrative,
7 Executive, and Legislative Review with respect to an energy emergency.

8 (2) Before promulgating an order, rule, or regulation under this section,
9 the Governor shall submit the order, rule, or regulation to the Committee for approval or
10 rejection.

11 (3) (i) Except as provided in subparagraph (ii) of this paragraph, if the
12 Committee fails to take action on the order, rule, or regulation within 7 days after its
13 submission, the order, rule, or regulation takes effect as promulgated by the Governor.

14 (ii) 1. If because of extraordinary circumstances it is not feasible
15 to secure the prior approval of the Committee, an order, rule, or regulation takes effect
16 immediately.

17 2. Within 2 days after it takes effect, the order, rule, or
18 regulation shall be communicated to the chairman of the Committee.

19 3. The full Committee shall be convened within 5 days after
20 the order, rule, or regulation is communicated to the chairman.

21 4. The order, rule, or regulation is subject to disapproval by
22 the full Committee.

23 (4) All records of orders, rules, regulations, and Committee meetings are
24 open to the public.

25 (e) This section does not authorize the establishment of oil refineries, deep water
26 ports, offshore drilling facilities, or other similar major capital facilities.

27 (f) In addition to the specific emergency powers contained in this subtitle, the
28 General Assembly recognizes and confirms the Governor’s power to exercise fully the
29 authority necessary to implement any federal mandatory energy emergency program as set
30 forth in any federal programs, laws, orders, rules, or regulations that relate to the
31 allocation, conservation, or consumption of energy resources.

32 14-3A-02.

1 (a) **[If] SUBJECT TO SUBTITLE 3B OF THIS TITLE, IF** the Governor determines
2 that a catastrophic health emergency exists, the Governor may issue a proclamation under
3 this subtitle.

4 (b) The proclamation shall indicate:

5 (1) the nature of the catastrophic health emergency;

6 (2) the areas threatened or affected; and

7 (3) the conditions that:

8 (i) led to the catastrophic health emergency; or

9 (ii) made possible the termination of the emergency.

10 (c) (1) The Governor shall rescind a proclamation issued under this section
11 whenever the Governor determines that the catastrophic health emergency no longer
12 exists.

13 (2) Unless renewed, the proclamation expires 30 days after issuance.

14 (3) The Governor may renew the proclamation for successive periods, each
15 not to exceed 30 days, if the Governor determines that a catastrophic health emergency
16 continues to exist.

17 14-3A-08.

18 (a) (1) Except as provided in subsection (b) of this section, a person may not
19 knowingly and willfully fail to comply with an order, requirement, or directive issued under
20 this subtitle.

21 (2) A person who violates paragraph (1) of this subsection is guilty of a
22 **[misdemeanor] CIVIL INFRACTION** and on conviction is subject to **[imprisonment not**
23 **exceeding 1 year or] a fine not exceeding [\$5,000 or both] \$50.**

24 **SUBTITLE 3B. EMERGENCY POWERS LIMITATIONS.**

25 **14-3B-01.**

26 **(A) WITHIN 3 DAYS AFTER THE ISSUANCE OF AN EMERGENCY ORDER UNDER**
27 **THIS TITLE, THE GOVERNOR SHALL:**

28 **(1) IF NOT ALREADY IN SESSION, CONVENE THE GENERAL ASSEMBLY**
29 **TO A SPECIAL SESSION, WITH VIDEO CONFERENCING OFFERED TO ANY MEMBER**
30 **UNABLE TO ATTEND IN PERSON;**

1 **(2) PROVIDE THE MEMBERS, ELECTRONICALLY OR IN PERSON,**
2 **COPIES OF ALL EXECUTIVE ORDERS AND ANY INTERPRETIVE GUIDANCE REGARDING**
3 **THE ORDERS; AND**

4 **(3) RECEIVE INPUT FROM ANY MEMBER REGARDING ADDITIONAL**
5 **GUIDANCE REQUESTED.**

6 **(B) ANY DECLARATION OF EMERGENCY MAY NOT EXCEED 14 DAYS UNLESS:**

7 **(1) THE GENERAL ASSEMBLY IS IN SESSION, IN WHICH CASE THE**
8 **GENERAL ASSEMBLY MAY TERMINATE THE DECLARATION OF EMERGENCY SOONER**
9 **THAN 14 DAYS OR MAY EXTEND THE EMERGENCY ORDER FOR NOT MORE THAN AN**
10 **ADDITIONAL 14 DAYS; OR**

11 **(2) THE GOVERNOR ISSUES A CALL FOR A SPECIAL SESSION FOR THE**
12 **PURPOSE OF UNDERTAKING LEGISLATIVE ACTION RELATED TO THE EMERGENCY**
13 **WITHIN 3 DAYS OF THE EMERGENCY ORDER DECLARING THE EMERGENCY, AND THE**
14 **GENERAL ASSEMBLY CONVENES THE SPECIAL SESSION WITHIN 10 DAYS OF THE**
15 **DATE OF THE EMERGENCY ORDER DECLARING THE EMERGENCY.**

16 **14-3B-02.**

17 **(A) AN EMERGENCY ORDER ISSUED UNDER THIS TITLE DOES NOT APPLY TO**
18 **MEMBERS OF THE GENERAL ASSEMBLY OR THE MARYLAND JUDICIARY.**

19 **(B) THE GOVERNOR MAY NOT THREATEN OR ARREST A MEMBER OF THE**
20 **GENERAL ASSEMBLY OR JUDICIARY FOR AN ALLEGED VIOLATION OF OR ATTEMPT**
21 **TO VIOLATE, AN EMERGENCY ORDER ISSUED UNDER THIS TITLE.**

22 **(C) NEITHER THE GOVERNOR NOR ANY OFFICIAL OR EMPLOYEE OF THE**
23 **EXECUTIVE BRANCH MAY REQUIRE A MEMBER OF THE GENERAL ASSEMBLY OR**
24 **JUDICIARY OR ANY MEMBER OF THE PUBLIC TO REMAIN INDOORS, WEAR A FACE**
25 **COVERING, NOT CONGREGATE OR ASSEMBLE, CLOSE OR LIMIT CAPACITY OF A**
26 **BUSINESS, CHURCH, OR SCHOOL, OR INTERFERE WITH THE RIGHT TO OBTAIN AND**
27 **TRY ANY MEDICAL TREATMENT DESIRED FOR ANY ILLNESS, UNDER AN EMERGENCY**
28 **ORDER ISSUED UNDER THIS TITLE, UNDER ANY EXECUTIVE ORDER, OR BY ANY**
29 **OTHER PURPORTED AUTHORITY.**

30 **14-3B-03.**

31 **(A) AN EMERGENCY ORDER ISSUED UNDER THIS TITLE MAY NOT BE**
32 **APPLIED TO A U.S. CITIZEN UNLESS THE ORDER HAS BEEN APPROVED BY A**

1 TWO-THIRDS MAJORITY VOTE OF THE GENERAL ASSEMBLY WITHIN 72 HOURS OF
2 THE ISSUANCE OF THE ORDER.

3 (B) AN EMERGENCY ORDER ISSUED UNDER THIS TITLE IS NOT EFFECTIVE,
4 EVEN IF APPROVED BY THE GENERAL ASSEMBLY, UNLESS THE GOVERNOR HAS
5 PUBLISHED AND MADE THE ENTIRE ORDER AND ANY GUIDANCE REGARDING THE
6 ORDER AVAILABLE TO THE PUBLIC ON AN EASILY ACCESSIBLE ONLINE PLATFORM
7 AND FORMAT.

8 14-3B-04.

9 (A) THIS SECTION MAY NOT BE CONSTRUED TO ALLOW ANY
10 GOVERNMENTAL ENTITY TO PROHIBIT OR LIMIT IN-PERSON WORSHIP OR
11 RELIGIOUS EDUCATION, OR TO TREAT IN-PERSON WORSHIP IN ANY DISPARATE
12 MANNER TO ANY SECULAR ACTIVITIES.

13 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE GOVERNOR MAY
14 NOT CLOSE ANY BUSINESS OR HOUSE OF WORSHIP BY USE OF AN EMERGENCY ORDER
15 ISSUED UNDER THIS TITLE.

16 (C) A BUILDING BELONGING TO A BUSINESS OR HOUSE OF WORSHIP MAY BE
17 CLOSED UNDER THIS TITLE ONLY ON THE CERTIFICATION OF AT LEAST THREE
18 INDEPENDENT EXPERTS THAT THE BUILDING IS PHYSICALLY OUT OF COMPLIANCE
19 WITH AN APPLICABLE BUILDING CODE, AND THE ORDER PROVIDES NOTICE AND
20 OPPORTUNITY TO APPEAL THE CLOSURE WITHIN 3 BUSINESS DAYS.

21 14-3B-05.

22 (A) AN EMERGENCY ORDER ISSUED UNDER THIS TITLE MAY NOT INCLUDE A
23 REQUIREMENT THAT A U.S. CITIZEN REMAIN AT HOME.

24 (B) AN EMERGENCY ORDER ISSUED UNDER THIS TITLE MAY NOT INCLUDE A
25 REQUIREMENT THAT A U.S. CITIZEN WEAR A FACE COVERING, RECEIVE A VACCINE,
26 OR BE FORCED UNDER PENALTY OF LAW TO MAKE ANY OTHER HEALTH DECISION.

27 14-3B-06.

28 (A) AS USED IN THIS SECTION, "EMERGENCY ORDER" MEANS AN ORDER
29 ISSUED IN RESPONSE TO AN EMERGENCY CONTEMPLATED BY THIS TITLE, OR ANY
30 SIMILAR STATUTE ISSUED IN RESPONSE TO AN ALLEGED PUBLIC EMERGENCY,
31 DISEASE OUTBREAK, PUBLIC HEALTH THREAT, OR SIMILAR OCCURRENCE, THAT
32 HAS THE EFFECT OF RESTRAINING PERSONAL LIBERTY, SHUTTING DOWN BUSINESS,

1 SEIZING PROPERTY, OR OTHERWISE INFRINGING ON ANY RIGHTS GUARANTEED BY
2 THE CONSTITUTION OF THE UNITED STATES OR THE MARYLAND CONSTITUTION.

3 (B) AN EMERGENCY ORDER ISSUED UNDER THIS TITLE SHALL:

4 (1) BE NARROWLY TAILORED TO MEET THE EXIGENCIES OF THE
5 PUBLIC EMERGENCY;

6 (2) BE NO BROADER OR MORE BURDENSOME THAN IS NECESSARY TO
7 MEET THE EXIGENCIES OF THE EMERGENCY OR IMMEDIATE THREAT OF AN
8 EMERGENCY;

9 (3) BE ISSUED IN RESPONSE TO AN ACTUAL EMERGENCY OR
10 IMMINENT THREAT OF AN EMERGENCY;

11 (4) GIVE DUE REGARD IN ITS SCOPE AND DURATION TO THE IMPACT
12 ON THE STATE OF MARYLAND AND ITS CITIZENS WITH ALL REPORTS, ANALYSIS AND
13 ADVISORY OPINIONS OF ANY AND ALL ADVISORY COMMITTEES, WHETHER AD HOC
14 OR FORMAL, MADE PUBLIC; AND

15 (5) BE IN EFFECT NO LONGER THAN IS NECESSARY TO MEET THE
16 EXIGENCY GIVING RISE TO THE EMERGENCY.

17 (C) IN THE EVENT ANY PERSON, INCLUDING THE ATTORNEY GENERAL,
18 BRINGS AN ACTION FOR DECLARATORY RELIEF OR INJUNCTIVE RELIEF TO ENFORCE
19 THIS SUBTITLE, THE BURDEN OF PROOF SHALL BE ON THE GOVERNMENT TO PROVE,
20 BY CLEAR AND CONVINCING EVIDENCE:

21 (1) THE EXISTENCE OF AN EMERGENCY;

22 (2) THE NEED FOR THE EMERGENCY ORDER ISSUED;

23 (3) THE NARROW TAILORING OF THE EMERGENCY ORDER;

24 (4) THAT THE EMERGENCY ORDER WAS NO BROADER THAN
25 NECESSARY TO MEET THE EXIGENCIES OF THE EMERGENCY;

26 (5) THAT DUE REGARD WAS GIVEN FOR THE IMPACT ON THE STATE,
27 THE PUBLIC AT LARGE, PUBLIC SAFETY, AND THE LONG TERM ECONOMIC IMPACT
28 ON THE STATE AND ITS CITIZENS; AND

29 (6) THAT THE EMERGENCY ORDER WAS OR IS IN EFFECT NO LONGER
30 THAN IS NECESSARY TO MEET THE EXIGENCY GIVING RISE TO THE EMERGENCY.

1 **(D) (1) IN ANY ACTION BROUGHT BY A PRIVATE PERSON TO ENFORCE**
2 **THIS SUBTITLE, IN ADDITION TO DECLARATORY OR INJUNCTIVE RELIEF, THE**
3 **PERSON MAY SEEK TREBLE DAMAGES FROM THE STATE OR OTHER DEFENDANT BY**
4 **PROVING, BY A PREPONDERANCE OF THE EVIDENCE, THAT ANY OF THE FOLLOWING**
5 **APPLY:**

6 **(I) THE PERSONAL OR BUSINESS ACTIVITIES OF THE PERSON**
7 **DO NOT PRESENT A SUBSTANTIAL RISK OF FURTHERING THE EMERGENCY;**

8 **(II) THE PERSONAL OR ECONOMIC IMPACT OF THE EMERGENCY**
9 **ORDER TO THE PERSON IS MORE SEVERE THAN THE IMPACTS OF THE EMERGENCY**
10 **TO THE PUBLIC AS A WHOLE; OR**

11 **(III) THE EMERGENCY ORDER IS OTHERWISE UNREASONABLE AS**
12 **APPLIED TO THE PERSON.**

13 **(2) A PERSON BRINGING AN ACTION UNDER THIS SUBSECTION IS NOT**
14 **REQUIRED TO PROVE MALICE BY THE STATE OR OTHER DEFENDANT.**

15 **(3) THE STATE WAIVES LIABILITY TO A MAXIMUM OF \$250,000 FOR**
16 **EACH INCIDENT IN AN ACTION BROUGHT UNDER THIS SUBSECTION.**

17 **(E) IF A PRIVATE PERSON PREVAILS IN ANY MANNER OF AN ACTION**
18 **AGAINST THE STATE OR OTHER DEFENDANT UNDER SUBSECTIONS (C) OR (D) OF**
19 **THIS SECTION, THE COURT SHALL AWARD REASONABLE ATTORNEY FEES AND COSTS**
20 **TO THE PRIVATE PERSON.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2021.