

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Joseph M. Getty  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** House Environment and Transportation Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 402  
Department of the Environment – Enforcement Authority  
**DATE:** January 26, 2022  
(2/25)  
**POSITION:** Oppose as drafted

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The Maryland Judiciary opposes House Bill 402 as drafted. This bill amends and adds various provisions of the Environment Article. The bill also broadens the scope of behavior subject to civil and criminal liability and increases certain potential civil and criminal penalties.

In particular, the Judiciary is opposed to the language on pages 16 and 24 which provide that a “court **shall** grant an injunction.” The Judiciary traditionally opposes legislation that includes mandatory provisions. The Judiciary believes it is important for judges to weigh the facts and circumstances for each individual case when making a determination. Judges are mindful of various mitigating factors in crafting a disposition that most appropriately fits the individual.

cc. Hon. Adrienne Jones  
Judicial Council  
Legislative Committee  
Kelley O’Connor