

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 346
Civil Actions – Violation of Constitutional Rights (No Kings Act)
DATE: February 4, 2026
(2/10)
POSITION: Oppose, as drafted

The Judiciary respects the principle of separation of powers. The Maryland General Assembly is a policy-making branch of government and, as such, matters of policy fall within your branch's purview. As a neutral and independent arbiter, the Judiciary has no position on the policy aims of the bill and defers to the legislature as to the bill's intention. We write only to request that the phrase "judicial officer" be stricken from the bill. In particular, the Judiciary requests that the language beginning on page 2, lines 12 through 14 be stricken in its entirety as well as striking the language on page 2, lines 23 through 25.

Judicial impartiality requires that judges be free to exercise their duties with independence and without fear of personal consequence. As noted in *Parker v. State*, 337 Md. 271, 286-287 (1995):

Like other public officials, judges might be deterred from conscientious decision making if they were susceptible to civil liability for their official actions. Unlike other public officials, judges are required, on a daily basis, to make numerous decisions in disputes between adverse parties. With respect to each judicial decision, there is a winner and a loser. Furthermore, what is won or lost often has great value to the litigants: the custody of children,

compensation for serious injuries, freedom from physical restraint, or simply large sums of money. With such important issues at stake in an adversarial context, absolute immunity is needed to forestall endless collateral attacks on judgments through civil actions against the judges themselves. Moreover, well-developed, institutionalized mechanisms exist within the judicial system for correcting erroneous decisions made by judges.

cc. Hon. Jeff Waldstreicher
Judicial Council
Legislative Committee
Kelley O'Connor