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The Maryland Fraternal Order of Police SUPPORTS Senate Bill 330. This bill eliminates the common law tort defense known as the "Fireman's Rule." This rule, promulgated by state courts beginning in Illinois in 1892, was an ill-conceived and unjust method to protect landowners from causing injuries to public safety professionals. The rule has been legislatively abolished in a growing number of states which have recognized the importance of deterring bad conduct and protecting the firefighters, emergency medical providers, and law enforcement officers who work so bravely to protect our communities.

The Fireman's Rule was originally designed as a premises liability protection. There was no way for the court to classify the duty a landowner owed to a public safety professional who gets injured while protecting that landowner or the landowner's property. The common law definitions of trespasser, licensee, and invitee simply did not apply easily. Instead of creating a special classification, the court shoehorned public safety professionals into the category of licensee. The oblivious aim was to protect landowners from any judgment of liability at the expense of the injured public safety officer or, if the officer made the ultimate sacrifice, his or her survivors. Since the rule's emergence, the Maryland courts have expanded the rule to protect not just landowners, but any party who negligently causes injury or death to a public safety officer.

The result of this peculiar rule is that when a firefighter, emergency medical technician, or law enforcement officer is called to protect life and property from someone's negligent act, and the public safety officer is killed or injured, the negligent actor who caused the injury cannot be sued by the officers or their families. The offender gets off scot-free and the injured officer and his or her family are left with paltry benefits. Had it been any other party who was injured, they could recover a tort judgment appropriate for the level of injury.

This rule should offend every citizen's sense of justice. Under this rule, the family of a public safety officer who rushes into the inferno and makes the ultimate sacrifice can't sue the person who caused the fire. The officer's spouse, parents, and children, are left with publicly provided death benefits that pale in comparison to what we, through our courts and tort law, assess to be the true value of their sacrifice. And while the offender walks away, the rest of society bears the tax burden of paying those paltry benefits. We must reverse this unjust arrangement. Abolishing the Fireman's Rule would allow our brave public safety professionals to hold responsible those that are negligently causing injuries and lift that burden from the innocent taxpayer. Many states have already taken the legislative steps necessary to eliminate this rule and Maryland should waste no time in following those states. For these reasons, the FOP SUPPORTS Senate Bill 330.

Representing the Professional Police Officers of the State of Maryland