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MAYOR

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HB 721

February 10, 2021

TO: Members of the House Judiciary Committee

FROM: Natasha Mehu, Director of Government Relations

RE: House Bill 721 – Torts Claims Act – Limits on Liabilities

POSITION: OPPOSE

Chair Clippinger, Vice Chair Atterbeary, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** House Bill (HB) 721.

HB 721 would remove the cap on economic damages and create an escalating cap on noneconomic damages under the Local Government Tort Claims Act (LGTCA) for the tortious acts or omissions of law enforcement officers. This would impose a significant burden on local government finances and operations and upend longstanding balancing of needs.

The LGTCA strikes a necessary balance between the interests of plaintiffs on one hand and local governments and their taxpayers on another. Under the LGTCA local governments do not have sovereign immunity which would block a plaintiff from receiving any compensation for tortious action committed by an employee of local government. As claims against local governments are paid by taxpayer dollars, the caps provided under the LGTCA ensure that plaintiffs can receive such compensation without over burdening local government finances by diverting limited tax payer dollars from the many essential city operations and needs those dollars fund.

Passage of this bill could result in claims alleging millions in additional liability against the City each year. By way of example, in the last 12-18 months, Litigation has dealt/is dealing with about 14 cases (not involving police civil rights abuses) where there is very real potential liability for the current \$400k cap to be reached. These cases include 4 death cases (e.g., pedestrian struck and killed by City truck), 4 cases involving traumatic brain or other very serious injuries (e.g., motorist crashes car into a house as a result of ice in the road), and 1 police pursuit case where a criminal was eluding police and killed

an innocent motorist. The potential liability of each case under this bill would likely increase \$200k a piece.

In the police pursuit case, that number is more, potentially into the millions. A reasonable estimate is that the City gets one of these types of case a year. An important difference in this bill is that it does not distinguish with respect to the type of torts committed by law enforcement officers. An auto tort is treated no differently than a brutality or false arrest case. In a situation where a suspected violator of the law is eluding the police causes injuries that are so serious the claimant/plaintiff would require medical and other assistance for the remainder of his/her life (e.g., quadriplegic), the economic damages would NOT be capped at all.

We respectfully request an **unfavorable** report on House Bill 721.