



Maryland Municipal League

The Association of Maryland's Cities and Towns

TESTIMONY

February 10, 2021

Committee: House Judiciary

Bill: HB 721 – Tort Claims Acts – Limits on Liability

Position: Oppose

Reason for Position:

The Maryland Municipal League strongly oppose HB 721. The primary purpose of this bill is to increase the limit on liability of a local government and the State for claims arising from tortious acts committed by an employee. This would significantly increase the liability exposure for local governments for all civil lawsuits. The increased costs to local governments would deplete already-limited resources which could otherwise be spent on necessary public services.

When the Local Government Tort Claims Act (LGTCA) was established, county and municipal governments relinquished long-held sovereign immunities from tort actions, balanced by the installation of certain parameters to protect taxpayers. The limit on liability payment is one of these important parameters. Local governments provide legal defense for their employees for tortious actions committed within the scope of government employment, which includes potential actions by law enforcement officers. The LGTCA strikes an appropriate balance between plaintiffs' rights and protections for local governments and local taxpayers against exorbitant court awards. Tort actions against local governments are capped because taxpayer dollars are used to litigate claims brought against them.

This is appropriate for traditional causes of action like slip-and-falls where the goal is to make the plaintiff whole, not punish bad acts like police misconduct. Widespread increased awareness of social justice issues has inspired us all to take a closer look at how our institutional policies permit, or even encourage, police misconduct. But the LGTCA is not the vehicle to address this challenge. Police misconduct cases are issues of constitutional law, and thereby belong in federal court rather than state court. Further, local governments pay the plaintiff; there is not a sufficient connection between the financial judgment and the individual actor to disincentivize future bad acts. Indeed, increasing the cap will require



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local governments, many of whom have done everything in their power to prevent police misconduct through trainings, screenings, and personnel evaluations, to pay a higher premium using taxpayer revenue.

We understand the need for reform within the realm of law enforcement in the State, and we appreciate being a part of the discussion to determine how LGTCA caps play a role in an appropriate balance between the need to award plaintiffs and the need to provide essential services to our local governments. However, this bill is not the appropriate vehicle. We respectfully request the Committee give HB 721 an unfavorable report.

FOR MORE INFORMATION CONTACT:

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