

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Joseph M. Getty
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Education, Health, and Environmental Affairs Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 221
Department of the Environment – Enforcement Authority
DATE: January 19, 2022
(2/2)
POSITION: Oppose as drafted

The Maryland Judiciary opposes Senate Bill 221 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. Bill Ferguson
Judicial Council
Legislative Committee
Kelley O’Connor