

February 28, 2023

Hon. William Smith
Chair, Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401
Will.Smith@semate.state.md.us

RE: SB 0540 - Human Relations - Civil Rights Enforcement - Powers of the Attorney General- Oppose

Dear Chair Smith:

The Howard County Chamber of Commerce (Chamber) is a business organization dedicated to economic, business, and community development in Howard County and the Central Maryland region. In advancing our mission, we advocate for policies that lead to job creation and investment.

Howard County Chamber members support civil rights laws and the need to enforce compliance with these laws and regulations. Maryland and the federal government currently have extensive civil rights laws that provide numerous forums for persons to file complaints and have those complaints investigated and remediated, if found to be in violation of such laws. However, what the Attorney General is proposing in HB 772/SB 540 raises several concerns:

- that the mission of the Maryland Human Relations Commission will be circumvented and/or preempted;
- the new authority may be used to alter existing or create new public policy for civil rights;
- should employers be subjected to duplicative federal and state claims, investigations, and discovery; and
- if businesses were to be overwhelmed by unwarranted punitive, litigation and fines that would exacerbate the negative perception of Maryland's business climate.

SB 0540 would expand the authority of the Attorney General to assume the responsibility to investigate, and prosecute civil rights violations committed under state or federal law. This is a dramatic departure from the normal duties of the Attorney General, which are described in the Maryland Manual as follows:

“The Attorney General heads the Office of the Attorney General (formerly known as the State Law Department) which was established in 1916 (Chapter 560, Acts of 1916). The Attorney General serves as legal counsel to the [Governor](#), the [General Assembly](#), the [Judiciary](#), and to all State agencies (except the [State Ethics Commission](#), which appoints its own counsel; the [Commission on Civil Rights](#); and the [Public Service Commission](#), whose counsel are appointed by the Governor).”

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If there is a justification for the Attorney General to assume the responsibility of Maryland special investigator and prosecutor for civil rights, the bill should include language indicating that this new authority: be limited to extraordinary systemic civil rights violations of statewide significance that the federal and state agencies are unable to adequately investigate and enforce. The Attorney General should work with public, local, state, and federal agencies to identify systemic civil rights violations. When such civil rights violations are confirmed, the Attorney General may elect to bring a civil rights action.

For the reasons outline above, the Chamber request an unfavorable vote.

Sincerely,

A handwritten signature in black ink that reads "Leonardo McClarty". The signature is written in a cursive, flowing style with a long, sweeping tail on the final letter.

Leonardo McClarty, CCE
President/CEO, Howard County Chamber