



M a r y l a n d Troopers Association



INCORPORATED 1979

February 21, 2023

The Honorable Luke Clippinger, Chair and Members of the Judiciary Committee

RE: HB 430 Police Immunity and Accountability Act

POSITION: OPPOSE

The MTA opposes HB 430 and the specification that a police officer would be held liable for certain damages if an individual is subjected to the deprivation of certain rights under the Maryland or U.S. Constitution. We also oppose the establishment of a police officer not being immune from civil or criminal liability for violations of another individual's constitutional rights.

Qualified immunity is a judicial doctrine created by the Supreme Court that may not be subject to being legislatively eliminated. The mere issue of what law controls will produce substantial litigation. Qualified immunity protects police officers from being personally liable in certain situations. Under current judicial doctrine, if an officer violates a clearly established law, qualified immunity does not apply.

Qualified immunity has no bearing on criminal prosecution for officers found guilty of crimes related to force. Police officers remain criminally liable for their actions.

Holding a police officer personally, civilly liable in certain situations would impact the children and families of the law enforcement officer.

Also, those seeking to eliminate qualified immunity continually seem to miss that the aggrieved party is the one who suffers. Those wronged are effectively eliminated from collecting their recovery.

This bill also serves to take punitive action against a police officer administratively without due process or the right to a trial board under the Police Accountability Act, which went into effect on July 1, 2022. Under the Police Accountability Act, officers are entitled to due process before being terminated. This bill seeks to revoke police certifications if an officer was found liable civilly, which would cause termination.

The Maryland State Police, like many other agencies in this State, faces issues with recruiting well intentioned, competent officers to protect the citizens of Maryland. This legislation will further exacerbate that problem. If the State cannot ensure protection like every other citizen and employee in this State, then many may choose different careers.

Brian Blubaugh
President
Maryland Troopers Association

Member of National Troopers Coalition

1300 REISTERSTOWN ROAD, PIKESVILLE, MARYLAND 21208 (410) 653-3885 1-800-TROOPER

E-mail: info@mdtroopers.org