



City of Havre de Grace

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January 19, 2023

The Honorable Luke Clippinger
Chair, Judiciary Committee
Room 101
House Office Building
Annapolis, Maryland 21401

RE: Unfavorable HB 115- Civil Rights - Violation of Rights - Governmental Liability

Chairman Clippinger and the honorable members of the Judiciary Committee:

The Mayor and City Council of Havre de Grace (“the City”) opposes HB 115. If passed, the bill would eliminate certain immunities granted to local law enforcement officers under the Local Government Torts Claims Act and would make them personally liable if found to have, under the context of the law, deprived an individual of or infringed on, or allowed another to deprive an individual of or infringe on, an individual right secured by the Maryland Declaration of Rights or the Maryland Constitution.

HB 115 seeks to amend the Local Government Torts Claims Act and undermine the statutory and common law principles of government immunity established in this state for local governments and their employees, who have historically been protected from personal liability when performing a government function and or a provision under the Local Government Torts Claims Act.

In addition to viewing HB 115 as a nonsensical attempt to chip away at long-standing immunities local governments hold, the Maryland General Assembly should view HB 115 as an unfunded mandate on local government. Under Md. Courts and Judicial Proceedings Code Ann. § 5-302 (a) “Each local government shall provide for its employees a legal defense in any action that alleges damages resulting from tortious acts or omissions committed by an employee within the scope of employment with the local government.” HB 115, if passed, would open the floodgates for additional legal challenges, which local governments would be required to defend and potentially be held liable for minus “\$25,000 or 5% of any judgment or settlement entered against the officer... whichever is less” with the officer's employer paying the remainder.

The intent of HB 115 is to weaken local governments across the State and force local governments to compromise after considering the cost of attorney fees when defending these new cases versus the cost of judgments and settlements. The City respectfully requests the committee give HB 115 an unfavorable report.