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CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
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MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: Senate Finance Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 26
Labor and Employment – Occupational Safety and Health –
Revisions (Davis Martinez Public Employee Safety and Health
Act)
DATE: January 23, 2025
(1/29)
POSITION: Oppose

The Judiciary has no position on the policy aims of this legislation and defers to the legislative branch on such matters. It is not clear, however, if this bill is intended to apply to the Judiciary. If so, the Judiciary would respectfully request that it be exempt given its current policies and its constitutional authority to separately manage its branch of government.

For the Judiciary, this bill is unnecessary as the Judiciary's Policy on Standards of Conduct address workplace violence and investigations and are conducted in accordance with the Judiciary's Policy on Disciplinary Actions. Any regulations that may be developed would impact these thorough policies. Article IV, §18(b)(1) identifies the Chief Justice of the Supreme Court as the administrative head of the Maryland Judiciary. The power to administer the Judiciary is an express constitutional power of the Chief Justice. This constitutional authority includes managing the Judiciary's workplace violence and investigatory process. As such, the bill raises separation of powers concerns, if applied to the Judiciary.

Additionally, certain aspects of the bill create operational issues given that the Judiciary operates in facilities managed by other state and local entities. District Court locations are maintained by the Department of General Services or private or municipal landlords. Circuit courthouse facilities are maintained and funded by the county or city in which the courthouse is located. Including the Judiciary as a “unit” in this legislation is problematic as the Judiciary does not have the control, contemplated by the legislation, over its workplace facilities.

cc. Hon. Benjamin Kramer
Judicial Council
Legislative Committee
Kelley O’Connor