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**OFFICE OF THE ATTORNEY GENERAL**

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February 10, 2026

**TO:** The Honorable Will Smith  
Chair, Judicial Proceedings Committee

The Honorable Brian Feldman  
Chair, Education, Energy, and the Environment Committee

**FROM:** Julie Kuspa  
Deputy Principal Counsel, Assistant Attorney General, Office of the  
Attorney General

**RE:** Senate Bill 432 – Attorney General Actions and Climate Crimes  
Accountability Fund (Climate Crimes Accountability Act) (Support with  
Amendments)

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The Office of the Attorney General (OAG) supports SB 432, Attorney General Actions and Climate Crimes Accountability Fund (Climate Crimes Accountability Act), with the amendments described below. SB 432 proposes to authorize the Attorney General to investigate and prosecute civil or criminal actions against large fossil fuel entities for tortious or unlawful conduct contributing to climate change, and establishes the Climate Crimes Accountability Fund to support climate harm prevention, mitigation, and repair programs.

We appreciate the intent of this legislation to hold entities accountable for climate-related harms and to establish dedicated funding for programs addressing the impacts of climate change. Climate change is one of the most pressing and destructive challenges facing our planet today, endangering public health and the environment. This bill will empower the Attorney General to take legal action against companies whose activities contribute to these harms. However, to ensure effective implementation and alignment with existing statutory frameworks for multi-defendant environmental litigation, we respectfully recommend the following amendment:

**Recommended Amendment:**

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This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us.

Modify Section 6-106.2(a) of the State Government Article (pages 6-7, lines 5-11) to clarify that the modified Uniform Contribution Among Joint Tortfeasors Act (UCATA) exemption applies to any action brought by the Attorney General arising from or relating to alleged injuries to or threatened injuries to the environment or the natural resources of the State.

Maryland law currently presents serious impediments to settlement of any case brought against a large number of defendants who are jointly responsible for an injury because it fails to account for the percentage of culpability of each defendant. Currently, if the Attorney General settles a claim against one of several defendants, the State's ability to collect against the remaining, non-settling defendants is reduced by an equivalent share based on the total number of defendants in the case, regardless of fault. This makes it very difficult to settle with smaller, less culpable defendants in multi-defendant actions without the State giving up a large percentage of its total potential recovery. The practical impact has been to complicate, delay, and potentially foreclose settlements in multi-defendant environmental cases.

With this amendment, this legislation will make Maryland law more consistent with federal law and the laws of many other states by ensuring that defendants are responsible for their fair share of the harm. This will enable the Attorney General to effectively pursue accountability against entities that contribute to climate change while facilitating appropriate settlements with less culpable parties. We have shared proposed amendment language with the bill sponsor and remain available to work collaboratively with the Committee to refine this legislation.

For the foregoing reasons, the Office of the Attorney General respectfully urges the Committee to give SB 432 a favorable report with the amendments described above.

Cc: Members of the Committee

## **OAG Amendments to SB 432**

On page 1, in line 7, strike “outside” and substitute “assistant”.

On page 3, in lines 4 and 6, in each instance, strike “OUTSIDE” and substitute “ASSISTANT”.

On page 6, strike beginning with “AND” in line 9 down through “ARTICLE” in line 11 and substitute “TO ANY ACTION BROUGHT BY THE ATTORNEY GENERAL ARISING FROM OR RELATING TO ALLEGED INJURIES TO OR THREATENED INJURIES TO THE ENVIRONMENT OR THE NATURAL RESOURCES OF THE STATE”.