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Environment and Transportation  
Committee

*Chair*

Land Use and Ethics Subcommittee

Joint Committee on Administrative,  
Executive, and Legislative Review

Joint Committee on Ending  
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Joint Committee on Pensions



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**THE MARYLAND HOUSE OF DELEGATES**  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of HB 363 \* Maryland Public Ethics Law, Retaliation for Reporting  
or Participating in an Investigation - Prohibition**  
Hearing January 21, 2021  
Environment and Transportation Committee

**What the bill does**

This legislation prohibits a member of the General Assembly, an officer of the Executive Unit, a Judge, State's Attorney, Judicial Appointee, Clerk of the Circuit Court, Register of Wills, or Sheriff from retaliation against an individual who either reported a potential violation, or participated in the investigation of a potential violation.

**Why this bill matters**

This bill protects whistleblowers. Individuals who either report an issue, or cooperate as a witness in an investigation, should be afforded protection when they choose to come forward with information that will prevent the continuance of any malfeasance.

When an individual becomes aware of wrongdoing, and chooses to report it and later cooperate with an investigation, they are doing so for the benefit of Marylanders. Fraud and abuse hamper our democratic institutions from functioning for the good of all Marylanders. Providing the avenue to report these bad actors should come with a guaranteed protection for the individual courageous enough to shed light on the injustice.

**Why you should vote for this bill**

In 2018, both legislative bodies passed the Disclosing Sexual Harassment in the Workplace Act (S1010, HB1596) - nearly unanimously - which protect employees from retaliation by their employers when disclosing sexual harassment in the workplace. The common sense bill prohibited employers from retaliating against their employees for reporting sexual harassment, or mandating the employees waive their right to report such behavior in their employee contract.

It is time to expand these common sense protections to any person who comes forward to report wrongdoing of officials without fear of retaliation. Without these protections, some individuals may be persuaded to forego reporting the wrongdoing in fear, at a minimum, of losing their job. Freedom from fear of retaliation is central to an individual's decision on whether or not to report illegal behavior. These individuals are, at times, the only people with the

knowledge of the wrongdoing and therefore we must make it clear to them their choice to protect fellow citizens of Maryland from fraud or malfeasance is valued and protected.