



Maryland Municipal League
The Association of Maryland's Cities and Towns

TESTIMONY

February 21, 2023

Committee: House Judiciary

Bill: HB 430 - Police Immunity and Accountability Act

Position: Oppose

Reason for Position:

The Maryland Municipal League opposes House Bill 430, which expands the civil and criminal liability of a law enforcement officer for violation of the individual's rights under the Maryland Declaration of Rights or the Maryland Constitution.

This measure is redundant and implementing it will unnecessarily burden local governments. The causes of action which this bill intends to create are already in place. The Maryland Court of Appeals recognized a common law civil action against a police officer for violations of the Maryland State Constitution in *Clea v. Mayor and Council of Baltimore City* in 1988.¹ State case law also clarifies that there is no immunity, either in statute or common law, that can be asserted in a claim against a municipal officer or a local government.² With these parameters in place, there is no need to create a statutory cause of action targeting police officers.

This measure also spreads liability for the the civil judgment to the officer's employer, which includes many municipalities. Local governments are already obligated under the Local Government Tort Claims Act to defend employees acting within the scope of their employment, for which we have insurance. Increasing our liability would increase those insurance premiums for all municipalities, even those without police departments. This would place a significant financial burden on local governments.

As such, the League respectfully requests that this committee provide HB 430 with an unfavorable report.

FOR MORE INFORMATION CONTACT:

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¹ *Clea v. Mayor of Baltimore*, 312 Md. 662, 541 A.2d 1303 (Md. 1988).

² *DiPino v. Davis*, 354 Md. 18, 729 A.2d 354 (Md. 1999). When acting in a private or proprietary context, a local government has *respondeat superior* liability for the tortious conduct of its employees, including State constitutional claims. *Id.* at 47-48.