

Honorable Marvin Mandel, Governor of Maryland

Honorable Steny Hamilton Hoyer, President of the Senate of Maryland

Honorable John Hanson Briscoe, Speaker of the House of Maryland

Honorable James Coulter, Secretary of Natural Resources

Honorable Louis Goldstein, Comptroller

Approved May 17, 1977.

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No. 16

(Senate Joint Resolution 32)

A Senate Joint Resolution concerning

Tort Liability of Public Employees

FOR the purpose of requesting the creation of a Commission to study the liability of public employees in order to study the problems surrounding the increased liability of State, county, and municipal employees for tortious conduct arising out of the course of their employment; and requiring the Commission to study all possible solutions and to report to the Governor and General Assembly.

WHEREAS, The potential liability of public employees for tortious conduct committed in the course of their employment is a problem of enormous dimensions; and

WHEREAS, New rights of action and grounds of recovery for damages have been forged, causing increased litigation in State and Federal courts; and

WHEREAS, The increased exposure of public employees to official and personal liability for their own tortious conduct, committed in the course of their employment, has had and continues to have a chilling effect upon public employment; and

WHEREAS, Insurance against such liability is often unavailable, and, if available, is very expensive, requiring the diversion of tax revenues from other public programs in order to purchase the insurance; and