



Senate Bill 346

Civil Actions - Violation of Constitutional Rights (No Kings Act)

MACo Position: **SUPPORT WITH
AMENDMENTS**

To: Judicial Proceedings Committee

Date: February 10, 2026

From: Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS** SB 346 **WITH AMENDMENTS**. The bill establishes a path toward granting attorney's fees in any case asserting a State constitutional claim. In practice, the bill would likely lead to an increase in litigation and costs for the State and local governments and create an unbalanced system that enriches attorneys at the taxpayer's expense.

Counties take no issue with the central intent, which appears to be an attempt at creating an avenue for state-level legal accountability for a federal agency or actor within the state court system. With the provisions of SB 346 in place, however, an additional avenue would be inadvertently created, allowing plaintiffs to bring constitutional claims against local governments without the wise and intentional framework and caps set forth in the Local Government Tort Claims Act (LGTCa). In this context, trial attorneys would be incentivized to seek more of these cases regardless of a plaintiff's interest in filing or the strength of the case. This sets in motion alarming policy changes that have been considered and rejected by the General Assembly.

However, in consultation with the bill sponsor, MACo believes a modification can easily retain the central tenets of the bill, but avoid this difficult overlay of new laws onto state and local officials.

To that end, counties would offer the following amendment to SB 346:

On page 2, line 27, after the period insert, "**(E) THIS SECTION DOES NOT APPLY TO STATE, LOCAL GOVERNMENTS, OR THEIR PERSONNEL.**"

The current process for these claims to be brought against local governments and resolved appropriately is sufficient to balance justice and taxpayer impact. SB 346 would severely erode the operations and efficiency of current procedures for the benefit of private attorneys. Accordingly, MACo urges a **FAVORABLE WITH AMENDMENTS** report on SB 346.