

(PRE-FILED)

By: Senator Munson

Requested: October 11, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 11, 1997

CHAPTER ____

1 AN ACT concerning

2 **General Assembly - Immunity - Constituent Service Activities and Communications**

3 FOR the purpose of ~~conferring immunity from civil liability on members of the General~~
4 ~~Assembly and individuals who are on the staff of members when a member or an~~
5 ~~individual provides a service for a constituent or makes a communication on behalf~~
6 ~~of a constituent; and generally relating to the General Assembly providing immunity~~
7 ~~from civil liability to a member of a state legislature, including the General~~
8 ~~Assembly of Maryland, and certain individuals on the staff of a member, for any act~~
9 ~~or omission relating to certain constituent services provided to certain individuals or~~
10 ~~entities and certain communications made on behalf of a constituent; providing that~~
11 ~~the member or staff member is not subject to deposition or examination regarding~~
12 ~~these constituent services; providing for the construction of this Act; providing for~~
13 ~~the codification of this Act; and generally relating to the immunity of state~~
14 ~~legislators and staff for the performance of constituent services.~~

15 ~~BY adding to~~16 ~~Article - State Government~~17 ~~Section 2-1802~~18 ~~Annotated Code of Maryland~~19 ~~(1995 Replacement Volume and 1996 Supplement)~~20 ~~BY adding to~~21 ~~Article - Courts and Judicial Proceedings~~22 ~~Section 5-399.8~~23 ~~Annotated Code of Maryland~~24 ~~(1995 Replacement Volume and 1996 Supplement)~~

1 BY repealing and reenacting, with amendments,
2 Article - State Government
3 Section 2-1801
4 Annotated Code of Maryland
5 (1995 Replacement Volume and 1996 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 ~~**Article - State Government**~~

9 ~~2-1802.~~

10 ~~A MEMBER OF THE GENERAL ASSEMBLY OR AN INDIVIDUAL WHO IS ON THE~~
11 ~~STAFF OF A MEMBER OF THE GENERAL ASSEMBLY IS NOT CIVILLY LIABLE FOR ANY~~
12 ~~ACT OR OMISSION WITHIN THE SCOPE OF THE PUBLIC DUTIES OF THE MEMBER~~
13 ~~WHEN THE MEMBER OR INDIVIDUAL:~~

14 ~~(1) FOR A CONSTITUENT, PROVIDES A SERVICE, INCLUDING~~
15 ~~INTERVENTION FOR AN INDIVIDUAL, GROUP, OR BUSINESS THAT SEEKS TO SUBMIT~~
16 ~~A REQUEST, GRIEVANCE, OR OTHER MATTER WITH A GOVERNMENT UNIT; OR~~

17 ~~(2) MAKES A COMMUNICATION ON BEHALF OF A CONSTITUENT.~~

18 **Article - Courts and Judicial Proceedings**

19 5-399.8.

20 (A) (1) IN THIS SECTION, "CONSTITUENT SERVICE" INCLUDES
21 INTERVENTION FOR INDIVIDUALS, GROUPS, ORGANIZATIONS, OR BUSINESSES THAT
22 HAVE REQUESTS OF OR GRIEVANCES AGAINST ANY PUBLIC OR PRIVATE ENTITY.

23 (2) "CONSTITUENT SERVICE" DOES NOT INCLUDE THE OPERATION OF A
24 MOTOR VEHICLE.

25 (B) A MEMBER OF A STATE LEGISLATURE, INCLUDING A MEMBER OF THE
26 GENERAL ASSEMBLY OF MARYLAND, OR AN INDIVIDUAL ON THE STAFF OF A
27 MEMBER AND ACTING UNDER THE MEMBER'S DIRECTION AND CONTROL, WHO
28 PROVIDES A CONSTITUENT SERVICE OR MAKES A COMMUNICATION ON BEHALF OF
29 A CONSTITUENT IS NOT CIVILLY LIABLE OR SUBJECT TO DEPOSITION OR
30 EXAMINATION FOR ANY ACT OR OMISSION RELATED TO THE CONSTITUENT
31 SERVICE AND WITHIN THE SCOPE OF THE PUBLIC DUTIES OF THE MEMBER.

32 (C) THIS SECTION DOES NOT CONSTITUTE A WAIVER OF A MEMBER'S
33 CONSTITUTIONAL, STATUTORY, OR COMMON LAW PRIVILEGES.

34 **Article - State Government**

35 2-1801.

36 (A) Privileges from testifying for members of the General Assembly are found in §
37 9-122 of the Courts [and Judicial Proceedings] Article.

1 (B) PROVISIONS RELATING TO CIVIL IMMUNITY FOR ACTS AND OMISSIONS IN
2 THE PERFORMANCE OF CONSTITUENT SERVICES BY MEMBERS OF THE GENERAL
3 ASSEMBLY ARE FOUND IN § 5-399.8 OF THE COURTS ARTICLE.

4 SECTION 2. AND BE IT FURTHER ENACTED, That, if Title 5, Subtitle 3 of the
5 Courts and Judicial Proceedings Article is restructured by legislation enacted during the
6 1997 Session of the General Assembly, the publishers of the Annotated Code, in
7 coordination with the Department of Legislative Reference, shall designate an
8 appropriate codification for the provisions of § 5-399.8 of the Courts Article as enacted
9 by this Act.

10 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 1997.