

HOUSE BILL 491

D3

71r2307
CF SB 382

By: **Delegates Anderson, Barkley, Dwyer, Kelly, McConkey, and Rosenberg**
Introduced and read first time: February 6, 2007
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Liability – AMBER Alert Dissemination – Immunity for Media**

3 FOR the purpose of exempting certain broadcasters and their agents from civil
4 liability for broadcasting or disseminating an AMBER alert after receiving a
5 certain notification under certain circumstances; providing for the application of
6 this Act; defining certain terms; and generally relating to the dissemination of
7 an AMBER alert.

8 BY adding to

9 Article – Courts and Judicial Proceedings
10 Section 5–427
11 Annotated Code of Maryland
12 (2006 Replacement Volume)

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

15 **Article – Courts and Judicial Proceedings**

16 **5–427.**

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
18 MEANINGS INDICATED.

19 (2) “AMBER ALERT” MEANS AN ALERT THAT A CHILD HAS BEEN
20 ABDUCTED AND IS IN DANGER, INCLUDING ALL KNOWN DETAILS SURROUNDING

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 THE CHILD'S ABDUCTION, ISSUED AS A RESULT OF THE VOLUNTARY AMBER
2 ALERT PROGRAM ENTERED INTO BY MARYLAND LAW ENFORCEMENT AGENCIES
3 AND RADIO AND TELEVISION BROADCAST ORGANIZATIONS.

4 (3) "BROADCASTER" MEANS AN INDIVIDUAL OR ENTITY ENGAGED
5 IN THE BROADCASTING OF TELEVISION, CABLE, OR RADIO PROGRAMMING BY
6 ANY MEANS OF COMMUNICATION, INCLUDING:

7 (I) THROUGH THE PUBLIC AIRWAVES;

8 (II) BY CABLE; OR

9 (III) BY DIRECT OR INDIRECT SATELLITE TRANSMISSION.

10 (B) A BROADCASTER, OR AN EMPLOYEE, OFFICER, DIRECTOR, MEMBER,
11 MANAGER, OR AGENT OF A BROADCASTER, WHO VOLUNTARILY AND WITHOUT
12 COMPENSATION BROADCASTS OR OTHERWISE DISSEMINATES AN AMBER
13 ALERT AFTER RECEIVING AN AMBER ALERT NOTIFICATION FROM A
14 MARYLAND LAW ENFORCEMENT AGENCY, IS NOT LIABLE FOR ANY DAMAGES
15 FOR ANY ACT OR OMISSION THAT FORMS PART OF THE BROADCAST OR ITS
16 DISSEMINATION UNLESS THE ACT OR OMISSION CONSTITUTES:

17 (1) WILLFUL OR WANTON MISCONDUCT;

18 (2) GROSS NEGLIGENCE; OR

19 (3) INTENTIONALLY TORTIOUS CONDUCT.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
21 construed to apply only prospectively and may not be applied or interpreted to have
22 any effect on or application to any cause of action arising before the effective date of
23 this Act.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2007.