

HOUSE BILL 1053

D3

9lr2711

By: **Delegates Lisanti and Chang**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Duty to Render Assistance**

3 FOR the purpose of requiring an individual to provide reasonable assistance to certain
4 individuals who are under threat of or have incurred serious physical injury if
5 providing such assistance does not endanger self or others; establishing a certain
6 penalty for a violation of this Act; providing civil immunity for a certain individual
7 who renders reasonable assistance to another individual under this Act subject to
8 certain limitations; providing for the construction of this Act; and generally relating
9 to an affirmative duty to render aid.

10 BY adding to

11 Article – Courts and Judicial Proceedings

12 Section 5–809

13 Annotated Code of Maryland

14 (2013 Replacement Volume and 2018 Supplement)

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

17 **Article – Courts and Judicial Proceedings**

18 **5–809.**

19 **(A) AN INDIVIDUAL WHO KNOWS OR HAS REASON TO KNOW THAT A LAW**
20 **ENFORCEMENT OFFICER, A FIREFIGHTER, AN EMERGENCY MEDICAL SERVICES**
21 **PROVIDER, OR A SIMILAR INDIVIDUAL IS EXPOSED TO OR HAS SUFFERED SERIOUS**
22 **PHYSICAL INJURY WHILE THE INDIVIDUAL IS ACTING IN AN OFFICIAL CAPACITY**
23 **SHALL, TO THE EXTENT THAT THE INDIVIDUAL CAN DO SO WITHOUT DANGER OR**
24 **PERIL TO SELF OR OTHERS, PROVIDE REASONABLE ASSISTANCE TO THE EXPOSED**
25 **OR INJURED LAW ENFORCEMENT OFFICER, FIREFIGHTER, EMERGENCY MEDICAL**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SERVICES PROVIDER, OR SIMILAR INDIVIDUAL.

2 (B) REASONABLE ASSISTANCE INCLUDES:

3 (1) OBTAINING OR ATTEMPTING TO OBTAIN AID FROM LAW
4 ENFORCEMENT OR MEDICAL PERSONNEL;

5 (2) CALLING 9-1-1 OR TAKING REASONABLE STEPS TO ENSURE THAT
6 9-1-1 HAS BEEN CALLED; AND

7 (3) PROVIDING DIRECT ASSISTANCE SUCH AS ADMINISTERING
8 CARDIOPULMONARY RESUSCITATION.

9 (C) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL
10 PENALTY OF \$250.

11 (D) AN INDIVIDUAL IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN
12 PROVIDING REASONABLE ASSISTANCE TO A LAW ENFORCEMENT OFFICER, A
13 FIREFIGHTER, AN EMERGENCY MEDICAL SERVICES PROVIDER, OR A SIMILAR
14 INDIVIDUAL EXPOSED TO OR SUFFERING SERIOUS PHYSICAL INJURY WHILE ACTING
15 IN AN OFFICIAL CAPACITY, IF:

16 (1) THE ASSISTANCE OR AID IS PROVIDED IN A REASONABLY
17 PRUDENT MANNER;

18 (2) THE ASSISTANCE OR AID IS PROVIDED WITHOUT FEE OR OTHER
19 COMPENSATION; AND

20 (3) THE INDIVIDUAL RELINQUISHES CARE OF THE LAW
21 ENFORCEMENT OFFICER, FIREFIGHTER, EMERGENCY MEDICAL SERVICES
22 PROVIDER, OR SIMILAR INDIVIDUAL WHEN SOMEONE WHO IS LICENSED OR
23 CERTIFIED BY THIS STATE TO PROVIDE MEDICAL CARE OR SERVICES BECOMES
24 AVAILABLE TO TAKE RESPONSIBILITY.

25 (E) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE AN INDIVIDUAL TO
26 PROVIDE INFORMATION IN VIOLATION OF THE INDIVIDUAL'S RIGHT AGAINST
27 SELF-INCRIMINATION.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2019.