

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 190

(Senator Muse)

Judicial Proceedings

Judiciary

Law Enforcement - Wellness Checks - Requirements (Gabriel's Law)

This bill, with specified exceptions, requires a law enforcement agency that receives a “qualified request” for a wellness check of an individual to (1) conduct a wellness check of the individual within a reasonable amount of time after receiving the request, if the individual is located in the law enforcement agency’s jurisdiction or (2) promptly provide the person who made the request with contact information for the law enforcement agency that does have jurisdiction over the location in which the individual is located, if the individual is not located in the law enforcement agency’s jurisdiction. A law enforcement agency that receives a qualified request must meet these requirements regardless of where the person making the qualified request is located. The bill’s provisions may not be construed to create a cause of action against a law enforcement agency, its employees, or its agents for a failure to conduct a wellness check in accordance with the bill’s provisions. In addition, the failure of a law enforcement agency to comply with the bill's provisions may not be used as evidence of negligence or recklessness in a civil suit against the law enforcement agency, its employees, or its agents.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances; however, the bill may have an operational impact on affected State law enforcement agencies.

Local Effect: The bill is not expected to materially affect local finances.

Small Business Effect: None.

Analysis

Bill Summary: A law enforcement agency is not required to conduct a wellness check of an individual if (1) the law enforcement agency reasonably believes that the individual is not in physical danger and is not physically injured; (2) unless the law enforcement agency believes that the individual is in physical danger or is physically injured, the law enforcement agency reasonably believes that conducting a wellness check will bother, harass, intimidate, or torment the individual; or (3) the individual has requested that the law enforcement agency not conduct wellness checks on the individual in response to qualified requests.

“Qualified request” means a verbal or written request that (1) includes sufficient information regarding a specific life-threatening concern for immediate action or response and (2) is made in a manner or includes sufficient information to allow a law enforcement agency to respond to the person making the request. “Wellness check” means an in-person visit by a law enforcement officer concerning the well-being of an individual.

Current Law: There is no requirement in statute for wellness checks by law enforcement; however, most law enforcement agencies dispatch a law enforcement officer to conduct an in-person visit to a resident in response to a request from a friend or family member who is concerned for the safety or well-being of the resident.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 404 (Delegate Woods, *et al.*) - Judiciary.

Information Source(s): Kent and Worcester counties; towns of Bel Air and Leonardtown; Baltimore City Community College; University System of Maryland; Morgan State University; St. Mary’s College of Maryland; Department of Natural Resources; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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