

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 15

(First Reading File Bill)

AMENDMENT NO. 1

In line 2, after “Constituent” insert “Service”; strike beginning with “conferring” in line 3 down through “Assembly” in line 6 and substitute “providing immunity from civil liability to a member of a state legislature, including the General Assembly of Maryland, and certain individuals on the staff of a member, for any act or omission relating to certain constituent services provided to certain individuals or entities and certain communications made on behalf of a constituent; providing that the member or staff member is not subject to deposition or examination regarding these constituent services; providing for the construction of this Act; providing for the codification of this Act; and generally relating to the immunity of state legislators and staff for the performance of constituent services”; and strike in their entirety lines 7 through 11, inclusive, and substitute:

“BY adding to

Article - Courts and Judicial Proceedings

Section 5-399.8

Annotated Code of Maryland

(1995 Replacement Volume and 1996 Supplement)

BY repealing and reenacting, with amendments,

Article - State Government

Section 2-1801

Annotated Code of Maryland

(1995 Replacement Volume and 1996 Supplement)”.

AMENDMENT NO. 2

Strike in their entirety lines 14 through 23, inclusive, and substitute:

“Article - Courts and Judicial Proceedings

(Over)

5-399.8.

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

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

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

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

Article - State Government

2-1801.

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That, if Title 5, Subtitle 3 of the Courts and Judicial Proceedings Article is restructured by legislation enacted during the 1997 Session of the General Assembly, the publishers of the Annotated Code, in coordination with the Department of

Legislative Reference, shall designate an appropriate codification for the provisions of § 5-399.8 of the Courts Article as enacted by this Act.”;

and in line 24, strike “2.” and substitute “3.”.