

BY: Conference Committee

AMENDMENTS TO HOUSE BILL NO. 256
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “constituent;” insert “providing that the member is not civilly liable for defamation under certain circumstances; providing a right of appeal from certain interlocutory orders denying certain immunity under certain circumstances”; and in line 9, strike “providing for the application of this Act;”.

On page 1, in line 13, after “5-399.8” insert “and 5-399.9”; and after line 15, insert:

“BY repealing and reenacting, with amendments,
Article - Courts and Judicial Proceedings
Section 12-303
Annotated Code of Maryland
(1995 Replacement Volume and 1996 Supplement)”.

AMENDMENT NO. 2

On page 2, in line 25, strike “GOOD FAITH”; in line 35, after “WHO” insert “, IN GOOD FAITH,”; in line 36, strike “OR MAKES A COMMUNICATION ON BEHALF OF A CONSTITUENT”.

On page 3, in line 1, after “NOT” insert “SUPERSEDE OR”; and after line 2, insert:

“5-399.9.

(A) A MEMBER OF A STATE LEGISLATURE, INCLUDING A MEMBER OF THE GENERAL ASSEMBLY OF MARYLAND, WHO MAKES A COMMUNICATION ON BEHALF OF A CONSTITUENT IS NOT CIVILLY LIABLE FOR DEFAMATION UNLESS THE

(Over)

COMMUNICATION IS FALSE AND MADE WITH KNOWLEDGE OF OR IN RECKLESS DISREGARD OF ITS FALSITY.

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

12-303.

A party may appeal from any of the following interlocutory orders entered by a circuit court in a civil case:

(1) An order entered with regard to the possession of property with which the action is concerned or with reference to the receipt or charging of the income, interest, or dividends therefrom, or the refusal to modify, dissolve, or discharge such an order.

(2) An order granting or denying a motion to quash a writ of attachment.

(3) An order:

(i) Granting or dissolving an injunction, but if the appeal is from an order granting an injunction, only if the appellant has first filed his answer in the cause.

(ii) Refusing to dissolve an injunction, but only if the appellant has first filed his answer in the cause.

(iii) Refusing to grant an injunction; and the right of appeal is not prejudiced by the filing of an answer to the bill of complaint or petition for an injunction on behalf of any opposing party, nor by the taking of depositions in reference to the allegations of the bill of complaint to be read on the hearing of the application for an injunction.

(iv) Appointing a receiver but only if the appellant has first filed his answer in the cause.

(v) For the sale, conveyance, or delivery of real or personal property or the payment of money, or the refusal to rescind or discharge such an order, unless the delivery or payment is directed to be made to a receiver appointed by the court.

(vi) Determining a question of right between the parties and directing an account to be stated on the principle of such determination.

(vii) Requiring bond from a person to whom the distribution or delivery of property is directed, or withholding distribution or delivery and ordering the retention or accumulation of property by the fiduciary or its transfer to a trustee or receiver, or deferring the passage of the court's decree in an action under Maryland Rule V79.

(viii) Deciding any question in an insolvency proceeding brought under Title 15, Subtitle 1 of the Commercial Law Article.

(ix) Granting a petition to stay arbitration pursuant to § 3-208 of this article.

(x) Depriving a parent, grandparent, or natural guardian of the care and custody of his child, or changing the terms of such an order.

(XI) DENYING IMMUNITY ASSERTED UNDER § 5-399.8 OR § 5-399.9 OF THIS ARTICLE.”.

On page 3, in line 9, after “§ 5-399.8” insert “AND § 5-399.9”; and in line 14, strike “§ 5-399.8” and substitute “§ 5-399.8 and § 5-399.9”.