
By: Delegates Montague and T. Murphy

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 1997

CHAPTER ____

1 AN ACT concerning

2 Baltimore City - Tort Claims Act - Baltimore City Police Department

3 FOR the purpose of including the Baltimore City Police Department within the definition
4 of local government for purposes of the Local Government Tort Claims Act;
5 providing for the application of this Act; and generally relating to ~~the Baltimore~~
6 ~~City Police Department~~ including the Baltimore City Police Department and its
7 employees within the Local Government Tort Claims Act.

8 BY repealing and reenacting, with amendments,
9 Article - Courts and Judicial Proceedings
10 Section 5-401
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1996 Supplement)

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 5-401.

17 (a) In this subtitle the following words have the meanings indicated.

18 (b) "Actual malice" means ill will or improper motivation.

19 (c) (1) "Employee" means any person who was employed by a local government
20 at the time of the act or omission giving rise to potential liability against that person.

21 (2) "Employee" includes:

2

1 (i) Any employee, either within or without a classified service or merit
2 system;

3 (ii) An appointed or elected official; or

4 (iii) A volunteer who, at the request of the local government, and
5 under its control and direction, was providing services or performing duties.

6 (d) "Local government" means:

7 (1) A chartered county established under Article 25A of the Code;

8 (2) A code county established under Article 25B of the Code;

9 (3) A board of county commissioners established or operating under Article
10 25 of the Code;

11 (4) Baltimore City;

12 (5) A municipal corporation established or operating under Article 23A of
13 the Code;

14 (6) The Maryland-National Capital Park and Planning Commission;

15 (7) The Washington Suburban Sanitary Commission;

16 (8) The Northeast Maryland Waste Disposal Authority;

17 (9) A community college or board of trustees for a community college
18 established or operating under Title 16 of the Education Article;

19 (10) A county public library or board of trustees of a county public library
20 established or operating under Title 23, Subtitle 4 of the Education Article;

21 (11) The Enoch Pratt Free Library or Board of Trustees of the Enoch Pratt
22 Free Library;

23 (12) The Washington County Free Library or the Board of Trustees of the
24 Washington County Free Library;

25 (13) A special taxing district;

26 (14) A nonprofit community service corporation incorporated under
27 Maryland law that is authorized to collect charges or assessments;

28 (15) Housing authorities created under Article 44A of the Code;

29 (16) A sanitary district, sanitary commission, metropolitan commission, or
30 other sewer or water authority established or operating under public local law or public
31 general law;

32 (17) The Baltimore Metropolitan Council;

33 (18) The Howard County Economic Development Authority;

34 (19) The Howard County Mental Health Authority; [and]

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1 (20) A commercial district management authority established by a county or
2 municipal corporation if provided under local law; AND

3 (21) THE BALTIMORE CITY POLICE DEPARTMENT.

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

7 SECTION ~~2~~ 3, AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 1997.