

Unofficial Copy  
D3

1997 Regular Session  
7lr2080

CF 7lr2079

---

**By: Senator McFadden**

Introduced and read first time: January 30, 1997

Assigned to: Judicial Proceedings

---

Committee Report: Favorable

Senate action: Adopted

Read second time: March 20, 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; and  
5 generally relating to the Baltimore City Police Department.

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

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

13 **Article - Courts and Judicial Proceedings**

14 5-401.

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

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

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

19 (2) "Employee" includes:

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

2

1 (ii) An appointed or elected official; or

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

4 (d) "Local government" means:

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

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

7 (3) A board of county commissioners established or operating under Article  
8 25 of the Code;

9 (4) Baltimore City;

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

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

13 (7) The Washington Suburban Sanitary Commission;

14 (8) The Northeast Maryland Waste Disposal Authority;

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

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

19 (11) The Enoch Pratt Free Library or Board of Trustees of the Enoch Pratt  
20 Free Library;

21 (12) The Washington County Free Library or the Board of Trustees of the  
22 Washington County Free Library;

23 (13) A special taxing district;

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

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

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

30 (17) The Baltimore Metropolitan Council;

31 (18) The Howard County Economic Development Authority;

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

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

3

1 (21) THE BALTIMORE CITY POLICE DEPARTMENT.

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