

SENATE BILL 717

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1999 Regular Session
9r2125
CF 9r2441

By: **Senator Currie (Chairman, Joint Committee on the Management of Public Funds) and Senators Forehand, McFadden, and Haines**

Introduced and read first time: February 22, 1999

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Insurance Program - Maryland Tort Claims Act - State's Attorneys,**
3 **Certain Local Board Members, and Certain Judges**

4 FOR the purpose of providing that the counties and Baltimore City may obtain
5 insurance or be assessed for insurance for coverage and payment of certain
6 expenses arising out of claims under the Maryland Tort Claims Act against
7 State's Attorneys, members of boards of license commissioners, members of
8 boards of supervisors of elections of counties, judges of circuit courts, judges of
9 orphans' courts, and certain employees; and generally relating to the insurance
10 coverage under the State Insurance Program for State's Attorneys, members of
11 certain boards, certain judges, and certain employees.

12 BY repealing and reenacting, with amendments,
13 Article - State Finance and Procurement
14 Section 9-108
15 Annotated Code of Maryland
16 (1995 Replacement Volume and 1998 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article - State Government
19 Section 12-101(a)(8), (9), (10), (11), and (12) and 12-105
20 Annotated Code of Maryland
21 (1995 Replacement Volume and 1998 Supplement)

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

24 **Article - State Finance and Procurement**

25 9-108.

26 (a) This section applies to:

1 (1) any sheriff or deputy sheriff engaged in any activity other than those
2 activities directly relating to courthouse security, service of process, or the
3 transportation of inmates to and from court proceedings;

4 (2) A STATE'S ATTORNEY OF A COUNTY OR BALTIMORE CITY OR AN
5 EMPLOYEE OF A STATE'S ATTORNEY;

6 (3) A MEMBER OF A BOARD OF LICENSE COMMISSIONERS OF A COUNTY
7 OR BALTIMORE CITY WHO IS APPOINTED UNDER ARTICLE 2B OF THE CODE OR AN
8 EMPLOYEE OF A BOARD OF LICENSE COMMISSIONERS OR LIQUOR CONTROL BOARD;

9 (4) A MEMBER OF A BOARD OF SUPERVISORS OF ELECTIONS OF A
10 COUNTY OR BALTIMORE CITY OR AN EMPLOYEE OF A BOARD OF SUPERVISORS OF
11 ELECTIONS;

12 (5) A JUDGE OF A CIRCUIT COURT OF A COUNTY OR BALTIMORE CITY OR
13 AN EMPLOYEE OF A CIRCUIT COURT; AND

14 (6) A JUDGE OF AN ORPHANS' COURT OF A COUNTY OR BALTIMORE CITY
15 OR AN EMPLOYEE OF AN ORPHANS' COURT.

16 (b) A county or Baltimore City may obtain insurance to provide the coverage
17 and defense necessary under the Maryland Tort Claims Act for personnel covered by
18 this section.

19 (c) (1) If a county or Baltimore City does not obtain adequate insurance
20 coverage to satisfy the coverage and defense necessary under the Maryland Tort
21 Claims Act, an assessment for coverage and for payment of any litigation expenses,
22 other than for compensation for the time spent by any State employee working for the
23 Attorney General, shall be set off from:

24 (i) any tax which has been appropriated in the State budget to the
25 county or Baltimore City; or

26 (ii) the subdivision's share of any income tax collected by the State
27 Comptroller.

28 (2) Any amount due under this subsection shall be collected in the
29 manner provided by § 7-222 of this article.

30 **Article - State Government**

31 12-101.

32 (a) In this subtitle, unless the context clearly requires otherwise, "State
33 personnel" means:

34 (8) a State's Attorney of a county or Baltimore City, or an employee of an
35 office of a State's Attorney;

1 (9) a member of a board of license commissioners of a county or
2 Baltimore City appointed under the provisions of Article 2B of the Code, or an
3 employee of a board of license commissioners;

4 (10) a member of a board of supervisors of elections of a county or
5 Baltimore City, or an employee of a board of supervisors of elections;

6 (11) a judge of a circuit court of a county or Baltimore City, or an employee
7 of a circuit court;

8 (12) a judge of an orphans' court of a county or Baltimore City, or an
9 employee of an orphans' court;

10 12-105.

11 State personnel shall have the immunity from liability described under § 5-522
12 (b) of the Courts and Judicial Proceedings Article.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 1999.