

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 252

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Turner” and substitute “Turner, Amedori, Baldwin, W. Baker, Benson, Bobo, Boschert, Boutin, Brinkley, Cadden, Clagett, Conroy, Conway, DeCarlo, Dobson, Elliott, Frush, Glassman, Hammen, Harrison, Healey, Heller, Howard, Hubbard, Hubers, James, V. Jones, Krysiak, Love, Malone, Marriott, McHale, McIntosh, Moe, Mohorovic, Montague, Parrott, Patterson, Petzold, Pitkin, Proctor, Rawlings, Riley, Rosenberg, Rosso, Rudolph, Shriver, Sophocleus, Stocksdale, Valderrama, Walkup, and Weir”.

AMENDMENT NO. 2

On page 1, in line 3, strike “an exemption” and substitute “certain exemptions”; and in line 6, strike “establishing immunity for certain persons under this Act” and substitute “providing certain immunity for certain persons and entities under certain circumstances; establishing that a claim against certain persons and entities shall be governed by certain provisions of law; establishing that a certain provision of this Act does not create a new cause of action or substantive legal right and does not affect certain immunities or defenses”.

AMENDMENT NO. 3

On page 2, in lines 16 and 23, in each instance, strike “POLICE” and substitute “LAW ENFORCEMENT, SOCIAL SERVICES”.

On page 3, in lines 8 and 15, in each instance, strike “POLICE” and substitute “LAW ENFORCEMENT, SOCIAL SERVICES”.

AMENDMENT NO. 4

On page 2, in line 17, strike “72 HOURS” and substitute “3 DAYS”.

On page 3, in line 9, strike “72 HOURS” and substitute “3 DAYS”.

(Over)

AMENDMENT NO. 5

On page 2, strike in their entirety lines 28 through 34, inclusive, and substitute:

“(A) A HOSPITAL, LAW ENFORCEMENT AGENCY, LOCAL DEPARTMENT OF SOCIAL SERVICES, OR FIRE OR RESCUE COMPANY OR AN EMPLOYEE OF A HOSPITAL, LAW ENFORCEMENT AGENCY, LOCAL DEPARTMENT OF SOCIAL SERVICES, OR FIRE OR RESCUE COMPANY ACTING IN GOOD FAITH SHALL BE IMMUNE FROM CRIMINAL PROSECUTION FOR ANY ACTION TAKEN RELATED TO THE ABANDONMENT OF A NEWBORN UNDER § 3-831(D) OF THIS ARTICLE OR § 10-219(C) OF THE FAMILY LAW ARTICLE, INCLUDING CARE AND MEDICAL TREATMENT OF THE NEWBORN.

(B) (1) A HOSPITAL OR AN EMPLOYEE OF A HOSPITAL ACTING IN GOOD FAITH SHALL BE IMMUNE FROM CIVIL LIABILITY FOR ANY ACTION TAKEN RELATED TO THE ABANDONMENT OF A NEWBORN UNDER § 3-831(D) OF THIS ARTICLE OR § 10-219(C) OF THE FAMILY LAW ARTICLE, INCLUDING CARE AND MEDICAL TREATMENT OF THE NEWBORN, UNLESS INJURY TO THE NEWBORN WAS CAUSED BY WILLFUL OR WANTON MISCONDUCT OR GROSS NEGLIGENCE.

(2) A CLAIM AGAINST A LAW ENFORCEMENT AGENCY OR LOCAL DEPARTMENT OF SOCIAL SERVICES OR AN EMPLOYEE OF A LAW ENFORCEMENT AGENCY OR LOCAL DEPARTMENT OF SOCIAL SERVICES FOR AN ACTION TAKEN RELATED TO THE ABANDONMENT OF A NEWBORN UNDER § 3-831(D) OF THIS ARTICLE OR § 10-219(C) OF THE FAMILY LAW ARTICLE, INCLUDING CARE AND MEDICAL TREATMENT OF THE NEWBORN, SHALL BE GOVERNED BY THE MARYLAND TORT CLAIMS ACT UNDER TITLE 12, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE OR THE LOCAL GOVERNMENT TORT CLAIMS ACT UNDER TITLE 5, SUBTITLE 3 OF THIS ARTICLE.

(3) A FIRE OR RESCUE COMPANY OR AN EMPLOYEE OF A FIRE OR RESCUE COMPANY SHALL HAVE THE IMMUNITY FROM CIVIL LIABILITY DESCRIBED IN § 5-604 OF THIS SUBTITLE FOR ANY ACTION TAKEN RELATED TO THE ABANDONMENT OF A NEWBORN UNDER § 3-831(D) OF THIS ARTICLE OR § 10-219(C) OF THE FAMILY LAW ARTICLE, INCLUDING CARE AND MEDICAL TREATMENT OF THE NEWBORN.

(C) (1) THIS SECTION DOES NOT CREATE, AND MAY NOT BE CONSTRUED AS CREATING, A NEW CAUSE OF ACTION OR SUBSTANTIVE LEGAL RIGHT AGAINST

THE STATE, A LOCAL GOVERNMENT, OR ANY PERSON OR ENTITY SPECIFIED IN THIS SECTION.

(2) THIS SECTION DOES NOT AFFECT, AND MAY NOT BE CONSTRUED AS AFFECTING, ANY IMMUNITIES FROM CIVIL LIABILITY OR CRIMINAL PROSECUTION OR DEFENSES ESTABLISHED BY ANY OTHER PROVISION OF THE CODE OR AT COMMON LAW, TO WHICH THE STATE, A LOCAL GOVERNMENT, OR ANY PERSON OR ENTITY SPECIFIED IN THIS SECTION MAY BE ENTITLED. “.

AMENDMENT NO. 6

On page 3, after line 18, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only to a person who leaves a newborn on or after the effective date of this Act and only to an act or omission related to the leaving of a newborn that occurs on or after the effective date of this Act.”;

and in line 19, strike “2.” and substitute “3.”.