

(PRE-FILED)

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By: **Delegate Boutin**  
Requested: August 8, 2000  
Introduced and read first time: January 10, 2001  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Evidence - Civil Actions - Benevolent Gestures**

3 FOR the purpose of providing that certain benevolent gestures made to an individual  
4 involved in an accident or to a family member of the individual are inadmissible  
5 as evidence of an admission of liability in a civil action; defining certain terms;  
6 providing for the application of this Act; and generally relating to the  
7 inadmissibility of certain benevolent gestures as evidence of an admission of  
8 liability in a civil action.

9 BY adding to  
10 Article - Courts and Judicial Proceedings  
11 Section 10-920  
12 Annotated Code of Maryland  
13 (1998 Replacement Volume and 2000 Supplement)

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

16 **Article - Courts and Judicial Proceedings**

17 10-920.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
19 INDICATED.

20 (2) "ACCIDENT" MEANS AN OCCURRENCE THAT RESULTS IN PERSONAL  
21 INJURY OR DEATH AND IS NOT THE RESULT OF A WILLFUL ACT BY A PARTY.

22 (3) "BENEVOLENT GESTURE" MEANS A STATEMENT, WRITING, OR ACT  
23 THAT CONVEYS A SENSE OF SYMPATHY, COMPASSION, OR COMMISERATION.

24 (4) "FAMILY MEMBER" MEANS A SPOUSE, PARENT, GRANDPARENT,  
25 STEPMOTHER, STEPFATHER, CHILD, GRANDCHILD, BROTHER, SISTER, HALF  
26 BROTHER, HALF SISTER, ADOPTED CHILD OF A PARENT, OR SPOUSE'S PARENT OF AN  
27 INDIVIDUAL.

1 (B) A BENEVOLENT GESTURE THAT RELATES TO THE PAIN, SUFFERING, OR  
2 DEATH OF AN INDIVIDUAL WHO WAS INVOLVED IN AN ACCIDENT AND MADE TO THE  
3 INDIVIDUAL OR TO A FAMILY MEMBER OF THE INDIVIDUAL SHALL BE INADMISSIBLE  
4 AS EVIDENCE OF AN ADMISSION OF LIABILITY IN A CIVIL ACTION.

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

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2001.