

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 1463

(Delegate Amedori, *et al.*)

Judiciary

Judicial Proceedings

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**Victims of Crime - Burglary and Crimes of Violence - Civil Immunity**

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This bill provides that a person may not be liable for damages for a personal injury or death of an individual who enters the person's dwelling or place of business with the intent to commit a burglary or crime of violence. Immunity does not attach if the person acts with malice or gross negligence. "Person" does not include a government entity. The bill does not limit or abrogate any immunity from civil liability or defense available to a person under any other provision of the Maryland Code or at common law.

The bill applies only prospectively to actions that arise on or after the bill's October 1, 2004 effective date.

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**Fiscal Summary**

**State Effect:** The bill could reduce lawsuits filed in the District Court, but is not expected to materially affect government operations or finances.

**Local Effect:** The bill could reduce lawsuits filed in circuit court, but is not expected to materially affect government operations or finances.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A "crime of violence" includes:

- abduction;
- arson in the first degree;

- kidnapping;
- manslaughter, except involuntary manslaughter;
- mayhem;
- maiming;
- murder;
- rape;
- robbery;
- carjacking;
- armed carjacking;
- sexual offense in the first degree;
- sexual offense in the second degree;
- use of a handgun in the commission of a felony or other crime of violence;
- an attempt to commit any of the above crimes;
- assault in the first degree;
- assault with intent to murder;
- assault with intent to rape;
- assault with intent to rob;
- assault with intent to commit a first degree sexual offense; and
- assault with intent to commit a second degree sexual offense.

The common law doctrine of sovereign immunity precludes filing suit against the government without its consent. This immunity attaches to the State itself and to all State and local governmental entities, as well as their employees and agents acting in an official capacity. Among others, it covers law enforcement officers and other public safety personnel. Limited tort claims may be filed against specified local government entities and nonprofit groups operating in the State if certain conditions are met.

**Background:** In recent years, a number of individuals allegedly engaged in criminal activity have sued police and others for damages for injuries incurred as a result of such activity.

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### **Additional Information**

**Prior Introductions:** A similar bill, HB 871 of 2003, received an unfavorable report from the House Judiciary Committee.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - March 22, 2004  
mh/jr Revised - House Third Reader - March 31, 2004

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Analysis by: Rita A. Reimer

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510