
By: **Delegates Petzold, Barkley, Dumais, Madaleno, Mandel, Menes, Montgomery, and Rosenberg**

Introduced and read first time: February 10, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - False Report Activating "AMBER" Alert - Immunity for Media**

3 FOR the purpose of exempting certain broadcast media organizations or their
4 employees from civil liability in broadcasting certain information relating to an
5 AMBER Alert; establishing the crime of knowingly making a false report with
6 the intent to deceive a certain law enforcement official and cause the activation
7 of an AMBER Alert; providing certain penalties; defining certain terms; and
8 generally relating to the activation of an AMBER Alert.

9 BY adding to

10 Article - Courts and Judicial Proceedings
11 Section 5-427
12 Annotated Code of Maryland
13 (2002 Replacement Volume and 2004 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Criminal Law
16 Section 9-501
17 Annotated Code of Maryland
18 (2002 Volume and 2004 Supplement)

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

21 **Article - Courts and Judicial Proceedings**

22 5-427.

23 (A) (1) IN THIS SECTION THE FOLLOWING TERMS HAVE THE MEANINGS
24 INDICATED.

25 (2) "EMPLOYEE OF A BROADCAST MEDIA ORGANIZATION" INCLUDES AN
26 OFFICER, DIRECTOR, MANAGER, OR AGENT OF A RADIO OR TELEVISION
27 ORGANIZATION.

3 (B) A BROADCAST MEDIA ORGANIZATION OR ITS EMPLOYEES MAY NOT BE
4 HELD CIVILLY LIABLE FOR ANY ACT OR OMISSION IN BROADCASTING INFORMATION
5 RELATING TO THE ACTIVATION OF AN AMBER ALERT.

6 Article - Criminal Law

7 9-501.

8 (a) IN THIS SECTION, "AMBER ALERT" MEANS THE MARYLAND CHILD AMBER
9 ALERT PLAN BY WHICH THE STATE POLICE ALERT THE BROADCAST MEDIA AND
10 STATE DEPARTMENTS THAT:

11 (1) A CHILD HAS BEEN ABDUCTED AND IS IN SERIOUS DANGER OF
12 BODILY HARM OR DEATH;

13 (2) DESCRIPTIVE INFORMATION IS AVAILABLE ABOUT THE CHILD AND
14 ALLEGED ABDUCTOR; AND

15 (3) THE CHILD AND ALLEGED ABDUCTOR ARE SUSPECTED OF BEING IN
16 THE BROADCAST AREA.

17 (B) A person may not make, or cause to be made, a statement, report, or
18 complaint that the person knows to be false as a whole or in material part, to a law
19 enforcement officer of the State, of a county, municipal corporation, or other political
20 subdivision of the State, or of the Maryland-National Capital Park and Planning
21 Police with intent to deceive and to cause:

22 (1) an investigation or other action to be taken as a result of the
23 statement, report, or complaint; OR

24 (2) AN AMBER ALERT TO BE ACTIVATED AS A RESULT OF THE
25 STATEMENT, REPORT, OR COMPLAINT.

26 [(b)] (C) (1) A person who violates SUBSECTION (B)(1) OF this section is
27 guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6
28 months or a fine not exceeding \$500 or both.

29 (2) A PERSON WHO VIOLATES SUBSECTION (B)(2) OF THIS SECTION IS
30 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT
31 NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,000 OR BOTH.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2005.