
By: **Delegates Petzold, Anderson, Bronrott, Dumais, Dwyer, Kelly, King, Madaleno, Mandel, McComas, McMillan, Menes, Quinter, Rosenberg, Sophocleus, and Zirkin**

Introduced and read first time: January 26, 2006

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 28, 2006

CHAPTER _____

1 AN ACT concerning

2 **Civil Liability - AMBER Alert Dissemination - Immunity for Media and**
 3 **Commercial Mobile Radio Service Providers**

4 FOR the purpose of exempting certain broadcasters and commercial mobile radio
 5 service providers and their agents from civil liability for broadcasting or
 6 disseminating an AMBER alert after receiving a certain notification under
 7 certain circumstances; providing for the construction of this Act; defining
 8 certain terms; and generally relating to the dissemination of an AMBER alert.

9 BY adding to
 10 Article - Courts and Judicial Proceedings
 11 Section ~~5-427~~ 5-642
 12 Annotated Code of Maryland
 13 (2002 Replacement Volume and 2005 Supplement)

14 BY repealing and reenacting, without amendments,
 15 Article - Public Safety
 16 Section 1-301(d) and (e)
 17 Annotated Code of Maryland
 18 (2003 Volume and 2005 Supplement)

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

1 **Article - Courts and Judicial Proceedings**

2 ~~5-427~~ 5-642.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

5 (2) "AMBER ALERT" MEANS AN ALERT THAT A CHILD HAS BEEN
6 ABDUCTED AND IS IN DANGER, INCLUDING ALL KNOWN DETAILS SURROUNDING THE
7 CHILD'S ABDUCTION, ISSUED AS A RESULT OF THE VOLUNTARY AMBER ALERT
8 PROGRAM ENTERED INTO BY MARYLAND LAW ENFORCEMENT AGENCIES AND RADIO
9 AND TELEVISION BROADCAST ORGANIZATIONS.

10 (3) "BROADCASTER" MEANS AN INDIVIDUAL OR ENTITY ENGAGED IN
11 THE BROADCASTING OF TELEVISION, CABLE, OR RADIO PROGRAMMING BY ANY
12 MEANS OF COMMUNICATION, INCLUDING:

13 (I) THROUGH THE PUBLIC AIRWAVES;

14 (II) BY CABLE; OR

15 (III) BY DIRECT OR INDIRECT SATELLITE TRANSMISSION.

16 (4) "CMRS PROVIDER" HAS THE MEANING STATED IN § 1-301 OF THE
17 PUBLIC SAFETY ARTICLE.

18 (B) A BROADCASTER, OR AN EMPLOYEE, OFFICER, DIRECTOR, MEMBER,
19 MANAGER, OR AGENT OF A BROADCASTER, ~~OR A CMRS PROVIDER, OR AN EMPLOYEE,~~
20 ~~OFFICER, DIRECTOR, MEMBER, MANAGER, OR AGENT OF A CMRS PROVIDER, WHO IN~~
21 ~~GOOD FAITH~~ BROADCASTS OR OTHERWISE DISSEMINATES AN AMBER ALERT AFTER
22 RECEIVING AN AMBER ALERT NOTIFICATION FROM A MARYLAND LAW
23 ENFORCEMENT AGENCY, SHALL BE IMMUNE FROM CIVIL LIABILITY FOR ANY
24 DAMAGES ARISING FROM THAT BROADCAST OR DISSEMINATION IF THE BROADCAST
25 OR DISSEMINATION WAS A FAIR AND ACCURATE REPORT OF THE AMBER ALERT
26 NOTIFICATION RECEIVED.

27 (C) THIS SECTION DOES NOT AFFECT, AND MAY NOT BE CONSTRUED AS
28 AFFECTING, ANY ADDITIONAL IMMUNITIES OR PRIVILEGES AVAILABLE TO A
29 BROADCASTER, OR AN EMPLOYEE, OFFICER, DIRECTOR, MEMBER, MANAGER, OR
30 AGENT OF A BROADCASTER, OR A CMRS PROVIDER, OR AN EMPLOYEE, OFFICER,
31 DIRECTOR, MEMBER, MANAGER, OR AGENT OF A CMRS PROVIDER FOR AN ACT OR
32 OMISSION IN BROADCASTING OR DISSEMINATING AN AMBER ALERT.

33 **Article - Public Safety**

34 1-301.

35 (d) "Commercial mobile radio service" or "CMRS" means mobile
36 telecommunications service that is:

1 (1) provided for profit with the intent of receiving compensation or
2 monetary gain;

3 (2) an interconnected, two-way voice service; and

4 (3) available to the public.

5 (e) "Commercial mobile radio service provider" or "CMRS provider" means a
6 person authorized by the Federal Communications Commission to provide CMRS in
7 the State.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2006.