

HOUSE BILL 1490

P4, E4

8lr2566

By: **Delegates Dumais, Anderson, Barnes, Conaway, Dwyer, Lee, McComas, McConkey, Ramirez, Rosenberg, Shank, and Smigiel**

Introduced and read first time: February 18, 2008

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Maryland Tort Claims Act – Broadcasting of AMBER**
3 **Alert**

4 FOR the purpose of altering a certain definition so as to bring within the scope of the
5 Maryland Tort Claims Act a person or officer, director, employee, or agent of the
6 person who broadcasts or otherwise disseminates a certain AMBER alert under
7 certain circumstances; providing for the application of this Act; and generally
8 relating to the Maryland Tort Claims Act.

9 BY repealing and reenacting, with amendments,
10 Article – State Government
11 Section 12–101(a)
12 Annotated Code of Maryland
13 (2004 Replacement Volume and 2007 Supplement)

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

16 **Article – State Government**

17 12–101.

18 (a) In this subtitle, unless the context clearly requires otherwise, “State
19 personnel” means:

20 (1) a State employee or official who is paid in whole or in part by the
21 Central Payroll Bureau in the Office of the Comptroller of the Treasury;

22 (2) an employee or official of the:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) Maryland Transportation Authority;
- 2 (ii) Injured Workers' Insurance Fund;
- 3 (iii) Maryland Stadium Authority;
- 4 (iv) Maryland Environmental Service;
- 5 (v) overseas programs of the University College of the
6 University System of Maryland;
- 7 (vi) Maryland Economic Development Corporation;
- 8 (vii) Maryland Technology Development Corporation;
- 9 (viii) Maryland African American Museum Corporation; and
- 10 (ix) Maryland Automobile Insurance Fund;
- 11 (3) a person who:
- 12 (i) is a member of a State board, commission, or similar State
13 entity; or
- 14 (ii) 1. is providing a service to or for the State;
- 15 2. is not paid in whole or in part by the State; and
- 16 3. satisfies all other requirements for designation as
17 State personnel as may be set forth in regulations adopted by the Treasurer pursuant
18 to Title 10 of this article;
- 19 (4) an individual who, without compensation, exercises a part of the
20 sovereignty of the State;
- 21 (5) a student enrolled in a State educational institution:
- 22 (i) who is providing services to third parties in the course of
23 participation in an approved clinical training or academic program;
- 24 (ii) who, as determined by the Treasurer, is required to have
25 liability insurance covering claims arising from services to third parties performed by
26 the student in the course of the approved clinical training or academic program;
- 27 (iii) who, as determined by the Treasurer, cannot obtain
28 commercial liability insurance at an affordable cost; and

1 (iv) who, as determined by the Treasurer, may be required to
2 contribute to an insurance program for claims arising from services to third parties
3 performed by the student in the course of the approved clinical training or academic
4 program;

5 (6) a sheriff or deputy sheriff of a county or Baltimore City;

6 (7) an employee of a county who is assigned to a local department of
7 social services, including a Montgomery County employee who carries out State
8 programs administered under Title 3, Subtitle 4 of the Human Services Article;

9 (8) a State's Attorney of a county or Baltimore City, or an employee of
10 an office of a State's Attorney;

11 (9) a member of a board of license commissioners of a county or
12 Baltimore City appointed under the provisions of Article 2B of the Code, or an
13 employee of a board of license commissioners;

14 (10) a member of a local board of elections, or an employee of a local
15 board of elections;

16 (11) a judge of a circuit court of a county or Baltimore City, or an
17 employee of a circuit court;

18 (12) a judge of an orphans' court of a county or Baltimore City, or an
19 employee of an orphans' court;

20 (13) to the extent of a nonprofit organization's activities as a third party
21 payee, and to the extent the nonprofit organization has no other insurance for this
22 purpose, a nonprofit organization that has been approved by the Department of
23 Human Resources or its designee to serve as a third party payee for purposes of
24 providing temporary cash assistance, transitional assistance, or child-specific benefits
25 to Family Investment Program recipients; [or]

26 (14) a student, faculty, or staff member of an institution of higher
27 education who is providing a service under the Family Investment Program in
28 accordance with § 5-305, § 5-306, or § 5-317 of the Human Services Article; **OR**

29 **(15) A PERSON OR AN OFFICER, DIRECTOR, EMPLOYEE, OR AGENT**
30 **OF THE PERSON WHO BROADCASTS OR OTHERWISE DISSEMINATES AN AMBER**
31 **ALERT THAT A MINOR HAS BEEN ABDUCTED AND IS IN DANGER, WHILE ACTING**
32 **IN ACCORDANCE WITH THE VOLUNTARY AMBER ALERT PROGRAM ENTERED**
33 **INTO BY STATE LAW ENFORCEMENT AGENCIES AND RADIO AND TELEVISION**
34 **BROADCAST ORGANIZATIONS.**

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
36 construed to apply only prospectively and may not be applied or interpreted to have

1 any effect on or application to any cause of action arising before the effective date of
2 this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2008.