

# HOUSE BILL 1457

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By: **Delegates Dumais, Anderson, Barnes, Carter, Conaway, Dwyer, Frank, Jennings, Levi, McComas, McConkey, Rosenberg, Schuler, and Valderrama**

Introduced and read first time: February 26, 2010

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Civil Liability – AMBER, Silver, or Emergency Alert Dissemination –**  
3 **Immunity for Broadcast Media**

4 FOR the purpose of establishing that certain broadcasters and their employees,  
5 officers, directors, members, managers, or agents are not liable for damages for  
6 any act or omission in broadcasting or disseminating a certain AMBER, Silver,  
7 or Emergency Alert after receiving a certain notification under certain  
8 circumstances; providing for the application of this Act; defining certain terms;  
9 and generally relating to the dissemination of an AMBER, Silver, or Emergency  
10 Alert.

11 BY adding to  
12 Article – Courts and Judicial Proceedings  
13 Section 5–427  
14 Annotated Code of Maryland  
15 (2006 Replacement Volume and 2009 Supplement)

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

18 **Article – Courts and Judicial Proceedings**  
19 **5–427.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
21 **MEANINGS INDICATED.**

22 **(2) “AMBER ALERT” MEANS AN ALERT THAT A MINOR HAS BEEN**  
23 **ABDUCTED AND IS IN DANGER, AND INCLUDES ALL KNOWN DETAILS**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SURROUNDING THE MINOR'S ABDUCTION, ISSUED AS A RESULT OF THE  
2 VOLUNTARY AMBER ALERT PROGRAM ENTERED INTO BY MARYLAND LAW  
3 ENFORCEMENT AGENCIES AND RADIO AND TELEVISION BROADCAST  
4 ORGANIZATIONS.

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

8 (I) THROUGH THE PUBLIC AIRWAVES;

9 (II) BY CABLE; OR

10 (III) BY DIRECT OR INDIRECT SATELLITE TRANSMISSION.

11 (4) "EMERGENCY ALERT" MEANS AN ALERT THAT WARNS OF A  
12 LARGE SCALE NATURAL OR MAN-MADE EMERGENCY, AND INCLUDES ALL  
13 KNOWN DETAILS SURROUNDING THE EMERGENCY, ISSUED BY THE MARYLAND  
14 EMERGENCY MANAGEMENT AGENCY OR BY A LOCAL JURISDICTION FOR  
15 EMERGENCY MANAGEMENT.

16 (5) "SILVER ALERT" MEANS AN ALERT THAT A PERSON WHO  
17 SUFFERS A COGNITIVE IMPAIRMENT INCLUDING A DIAGNOSIS OF ALZHEIMER'S  
18 DISEASE OR DEMENTIA IS MISSING, AND INCLUDES ALL KNOWN DETAILS  
19 SURROUNDING THE EVENT, ISSUED BY THE MARYLAND STATE POLICE.

20 (B) A BROADCASTER, OR AN EMPLOYEE, AN OFFICER, A DIRECTOR, A  
21 MEMBER, A MANAGER, OR AN AGENT OF A BROADCASTER, WHO VOLUNTARILY  
22 AND WITHOUT COMPENSATION BROADCASTS OR OTHERWISE DISSEMINATES AN  
23 AMBER, A SILVER, OR AN EMERGENCY ALERT AFTER RECEIVING AN ALERT  
24 NOTIFICATION FROM THE MARYLAND STATE POLICE IN THE CASE OF AN  
25 AMBER OR A SILVER ALERT, OR FROM THE MARYLAND EMERGENCY  
26 MANAGEMENT AGENCY OR AN EMERGENCY MANAGEMENT OFFICE OF A LOCAL  
27 JURISDICTION, IN THE CASE OF AN EMERGENCY ALERT, IS NOT LIABLE FOR ANY  
28 DAMAGES FOR ANY ACT OR OMISSION THAT FORMS PART OF THE BROADCAST  
29 OR ITS DISSEMINATION UNLESS THE ACT OR OMISSION CONSTITUTES:

30 (1) WILLFUL OR WANTON MISCONDUCT;

31 (2) GROSS NEGLIGENCE; OR

32 (3) INTENTIONALLY TORTIOUS CONDUCT.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
2 construed to apply only prospectively and may not be applied or interpreted to have  
3 any effect on or application to any cause of action arising before the effective date of  
4 this Act.

5           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2010.