

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 824
Judiciary

(Delegate Rosenberg, *et al.*)

Civil Actions - Immunity from Civil Liability - Health Care Providers

This bill provides civil immunity from liability for specified causes of action to a health care provider (or the provider's agent or employee) who detains or causes the arrest of any person if the provider detained or caused the arrest of the person because at the time of the detention or arrest, the health care provider had probable cause to believe that the person (1) committed theft of property of the health care provider from the provider's premises; or (2) had obtained personal information without authorization. The bill applies to civil causes of action for detention, slander, malicious prosecution, false imprisonment, or false arrest.

Fiscal Summary

State Effect: None. The bill is technical in nature and is not expected to materially affect State finances.

Local Effect: None. The bill is technical in nature and is not expected to materially affect local finances.

Small Business Effect: Potential minimal impact on health care providers who are not sued as a result of the bill and law firms that typically represent parties in the types of cases affected by the bill.

Analysis

Current Law: A merchant or an agent or employee of the merchant who detains or causes the arrest of any person may not be held civilly liable for detention, slander, malicious prosecution, false imprisonment, or false arrest of the person detained or

arrested, whether the detention or arrest takes place due to the actions of the merchant or the merchant's agent or employee, if in detaining or in causing the arrest of the person, the merchant or the agent or employee of the merchant had, at the time of the detention or arrest, probable cause to believe that the person committed theft of the merchant's property from the merchant's premises.

An owner or lessee of a motion picture theater or an agent or employee of the owner or lessee who detains or causes the arrest of any person may not be held civilly liable for detention, defamation, malicious prosecution, false imprisonment, or false arrest of the person detained or arrested, if in detaining or causing the arrest of the person, the owner, lessee, agent, or employee had, at the time of the detention or arrest, probable cause to believe that the person was knowingly operating the function of an audiovisual recording device in the theater without the consent of the owner or lessee of the theater, so long as the recording was made in an area of the theater other than the lobby.

Additional Information

Prior Introductions: None.

Cross File: Although designated as a cross file, SB 932 (Senator Gladden – Rules) is not identical.

Information Source(s): Office of the Attorney General (Consumer Protection Division), Department of Health and Mental Hygiene, Judiciary (Administrative Office of the Courts), Department of Legislative Services

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mlm/kdm

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