

**HB0404/283627/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 404  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "**Public Safety**" and substitute "**Law Enforcement**"; strike beginning with the first "or" in line 4 down through "entity" in line 5; strike beginning with "conduct" in line 6 down through "delay" in line 8 and substitute "take certain actions in response to the request under certain circumstances"; in line 9, strike ", fire, rescue, or emergency medical services entities,"; and in line 13, strike "and 7-405".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 4 through 8, inclusive; in lines 9 and 13, strike "**(3)**" and "**(4)**", respectively, and substitute "**(2)**" and "**(3)**", respectively; in line 9, strike "**AN ORAL**" and substitute "**A VERBAL**"; strike beginning with "**INCLUDES**" in line 10 down through "**CONDITION**" in line 12 and substitute ":

**(I) INCLUDES SUFFICIENT INFORMATION REGARDING A SPECIFIC LIFE-THREATENING CONCERN FOR IMMEDIATE ACTION OR RESPONSE; AND**

**(II) IS MADE IN A MANNER OR INCLUDES SUFFICIENT INFORMATION TO ALLOW A LAW ENFORCEMENT AGENCY TO RESPOND TO THE PERSON MAKING THE REQUEST**";

in line 15, strike "**IF**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, IF**"; in line 16, strike "**FROM AN INTERESTED PARTY**"; in line 19, strike "**WITHOUT UNREASONABLE DELAY**" and substitute "**WITHIN A REASONABLE AMOUNT OF TIME AFTER RECEIVING THE REQUEST**"; in line 21, strike "**FROM AN**

HB0404/283627/01 Judicial Proceedings Committee  
Amendments to HB 404  
Page 2 of 3

INTERESTED PARTY"; strike beginning with "SUBMIT" in line 23 down through "DELAY." in line 26 and substitute "PROMPTLY PROVIDE THE PERSON WHO MADE THE REQUEST WITH CONTACT INFORMATION FOR THE LAW ENFORCEMENT AGENCY THAT DOES HAVE JURISDICTION OVER THE LOCATION IN WHICH THE INDIVIDUAL IS LOCATED.

(3) A LAW ENFORCEMENT AGENCY IS NOT REQUIRED TO CONDUCT A WELLNESS CHECK OF AN INDIVIDUAL UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:

(I) THE LAW ENFORCEMENT AGENCY REASONABLY BELIEVES THAT THE INDIVIDUAL FOR WHOM THE QUALIFIED REQUEST HAS BEEN MADE IS NOT IN PHYSICAL DANGER AND IS NOT PHYSICALLY INJURED;

(II) UNLESS THE LAW ENFORCEMENT AGENCY BELIEVES THAT THE INDIVIDUAL IS IN PHYSICAL DANGER OR IS PHYSICALLY INJURED, THE LAW ENFORCEMENT AGENCY REASONABLY BELIEVES THAT CONDUCTING A WELLNESS CHECK WILL BOTHER, HARASS, INTIMIDATE, OR TORMENT THE INDIVIDUAL; OR

(III) THE INDIVIDUAL HAS REQUESTED THAT THE LAW ENFORCEMENT AGENCY NOT CONDUCT WELLNESS CHECKS ON THE INDIVIDUAL IN RESPONSE TO QUALIFIED REQUESTS.";

in line 29, strike "INTERESTED PARTY" and substitute "PERSON"; and after line 30, insert:

"(D) (1) NOTHING IN THIS SECTION MAY BE CONSTRUED TO CREATE A CAUSE OF ACTION AGAINST A LAW ENFORCEMENT AGENCY, ITS EMPLOYEES, OR

**ITS AGENTS FOR A FAILURE TO CONDUCT A WELLNESS CHECK IN ACCORDANCE WITH THIS SECTION.**

**(2) THE FAILURE OF A LAW ENFORCEMENT AGENCY TO COMPLY WITH THIS SECTION MAY NOT BE USED AS EVIDENCE OF NEGLIGENCE OR RECKLESSNESS IN A CIVIL SUIT AGAINST THE LAW ENFORCEMENT AGENCY, ITS EMPLOYEES, OR ITS AGENTS.”**

On pages 2 and 3, strike in their entirety the lines beginning with line 31 on page 2 through line 29 on page 3, inclusive.