



**SB 299 - Education - Public and Nonpublic Schools - Seizure Action Plans
(Brynleigh's Act)**

Favorable with Amendments

The Maryland Association for Justice (MAJ) envisions a fair and impartial legal system that protects the rights and safety of all people. The Maryland Association for Justice is dedicated to improving and protecting the civil justice system through legislative advocacy and protecting citizens' rights to court access to recover for wrongful conduct.

SB 299 would establish components of a Seizure Action Plan to be adopted and maintained by public and non-public schools in Maryland. Central to SB 299 is a legislative grant of immunity: causes of action for civil liability "may not arise" against certificate holders who participate in the plan and *negligently* cause harm. §7-450 (page 5, Part (G)).

MAJ respectfully submits that a broad legislative grant of *immunity* is bad public policy because victims of *negligent conduct*, including minor children, lose their chance to get justice in court. SB 299 attempts to narrow the immunity to only those who respond in good faith in accordance with the Seizure Action Plan; however, MAJ respectfully offers the following amendments to further clarify immunity eligibility.

Beginning on Page 5, Line 1 of SB 299 insert and remove the following:

- 1 **(G) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, AN EMPLOYEE**
- 2 **OR OTHER SCHOOL PERSONNEL WHO RESPONDS IN ACCORDANCE WITH THIS SECTION AND IN GOOD FAITH TO A STUDENT**
- 3 **EXPERIENCING A SEIZURE OR SEIZURE DISORDER SYMPTOMS ~~IN ACCORDANCE WITH~~**
- 4 **~~THIS SECTION IS IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION~~ IN THE**
- 5 **COURSE OF RESPONDING TO THE SITUATION.**

MAJ respectfully urges a Favorable with Amendments Report