

HOUSE BILL 399

D3
HB 1053/19 – JUD

0lr1196

By: **Delegate Lisanti**

Introduced and read first time: January 22, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Duty to Render Assistance**
3 **(First Responder Safety Act)**

4 FOR the purpose of requiring an individual to provide reasonable assistance to certain
5 individuals who are under threat of or have incurred serious physical injury if
6 providing such assistance does not endanger self or others; establishing a certain
7 penalty for a violation of this Act; providing civil immunity for a certain individual
8 who renders reasonable assistance to another individual under this Act subject to
9 certain limitations; providing for the construction of this Act; and generally relating
10 to an affirmative duty to render aid.

11 BY adding to
12 Article – Courts and Judicial Proceedings
13 Section 5–809
14 Annotated Code of Maryland
15 (2013 Replacement Volume and 2019 Supplement)

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

18 **Article – Courts and Judicial Proceedings**
19 **5–809.**

20 **(A) AN INDIVIDUAL WHO KNOWS OR HAS REASON TO KNOW THAT A LAW**
21 **ENFORCEMENT OFFICER, A FIREFIGHTER, AN EMERGENCY MEDICAL SERVICES**
22 **PROVIDER, OR A SIMILAR INDIVIDUAL IS EXPOSED TO OR HAS SUFFERED SERIOUS**
23 **PHYSICAL INJURY WHILE THE INDIVIDUAL IS ACTING IN AN OFFICIAL CAPACITY**
24 **SHALL, TO THE EXTENT THAT THE INDIVIDUAL CAN DO SO WITHOUT DANGER OR**
25 **PERIL TO SELF OR OTHERS, PROVIDE REASONABLE ASSISTANCE TO THE EXPOSED**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



OR INJURED LAW ENFORCEMENT OFFICER, FIREFIGHTER, EMERGENCY MEDICAL SERVICES PROVIDER, OR SIMILAR INDIVIDUAL.

(B) REASONABLE ASSISTANCE INCLUDES:

(1) OBTAINING OR ATTEMPTING TO OBTAIN AID FROM LAW ENFORCEMENT OR MEDICAL PERSONNEL;

(2) CALLING 9-1-1 OR TAKING REASONABLE STEPS TO ENSURE THAT 9-1-1 HAS BEEN CALLED; AND

(3) PROVIDING DIRECT ASSISTANCE SUCH AS ADMINISTERING CARDIOPULMONARY RESUSCITATION.

(C) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF \$250.

(D) AN INDIVIDUAL IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN PROVIDING REASONABLE ASSISTANCE TO A LAW ENFORCEMENT OFFICER, A FIREFIGHTER, AN EMERGENCY MEDICAL SERVICES PROVIDER, OR A SIMILAR INDIVIDUAL EXPOSED TO OR SUFFERING SERIOUS PHYSICAL INJURY WHILE ACTING IN AN OFFICIAL CAPACITY IF:

(1) THE ASSISTANCE OR AID IS PROVIDED IN A REASONABLY PRUDENT MANNER;

(2) THE ASSISTANCE OR AID IS PROVIDED WITHOUT FEE OR OTHER COMPENSATION; AND

(3) THE INDIVIDUAL RELINQUISHES CARE OF THE LAW ENFORCEMENT OFFICER, FIREFIGHTER, EMERGENCY MEDICAL SERVICES PROVIDER, OR SIMILAR INDIVIDUAL WHEN SOMEONE WHO IS LICENSED OR CERTIFIED BY THE STATE TO PROVIDE MEDICAL CARE OR SERVICES BECOMES AVAILABLE TO TAKE RESPONSIBILITY.

(E) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE AN INDIVIDUAL TO PROVIDE INFORMATION IN VIOLATION OF THE INDIVIDUAL'S RIGHT AGAINST SELF-INCRIMINATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.