

HOUSE BILL 137

D3, F5
HB 802/20 – JUD

3lr1444

By: **Delegate Grammer**

Introduced and read first time: January 13, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Civil Immunity – Educator Intervention**

3 FOR the purpose of providing that a certain staff member of a school is not civilly liable for
4 personal injury or property damage resulting from intervention in certain student
5 activity subject to certain exceptions; and generally relating to immunity from civil
6 liability for school staff.

7 BY repealing and reenacting, with amendments,
8 Article – Courts and Judicial Proceedings
9 Section 5–803
10 Annotated Code of Maryland
11 (2020 Replacement Volume and 2022 Supplement)

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

14 **Article – Courts and Judicial Proceedings**

15 5–803.

16 (a) (1) Whether or not an individual receives compensation for the individual's
17 services, an employee of a county health department or other local department or agency
18 functioning as a school nurse or school health aide or a member of the administrative,
19 educational, or support staff of, or an individual who serves under a contract for services
20 to, any public, private, or parochial school is immune from liability for:

21 (i) Making a report required by law, if the individual acts on
22 reasonable grounds;

23 (ii) Participating in a judicial proceeding that results from the
24 individual's report; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(iii) Making a report to the appropriate school official or to a parent if the individual has reasonable grounds to suspect that a student is:

1. Under the influence of alcoholic beverages or a controlled dangerous substance;
2. In possession of alcoholic beverages or a controlled dangerous substance; or
3. Involved in the illegal sale or distribution of alcoholic beverages or a controlled dangerous substance.

(2) Paragraph (1)(iii) of this subsection is effective only to the extent that its provisions do not conflict with federal or State confidentiality laws and regulations.

(b) A county superintendent or any employee of a county school system who presents or enters findings of fact, recommendations, or reports or who participates in an employee dismissal, disciplinary, administrative, or judicial proceeding relating to a school system employee that results from these actions is immune from any civil liability if the action is:

- (1) In the performance of duties;
- (2) Within the scope of employment; and
- (3) Without malice.

(C) A MEMBER OF THE ADMINISTRATIVE, EDUCATIONAL, OR SUPPORT STAFF OF ANY PUBLIC, PRIVATE, OR PAROCHIAL SCHOOL ACTING IN AN OFFICIAL CAPACITY IS IMMUNE FROM CIVIL LIABILITY FOR ANY PERSONAL INJURY OR PROPERTY DAMAGE RESULTING FROM AN INTERVENTION IN AN ALTERCATION BETWEEN STUDENTS OR OTHER STUDENT DISTURBANCE IF:

(1) THE MEMBER INTERVENED IN A REASONABLY PRUDENT MANNER;
AND

(2) THE ACTIONS TAKEN BY THE MEMBER IN INTERVENING DO NOT CONSTITUTE GROSSLY NEGLIGENT, WILLFUL, WANTON, OR INTENTIONALLY TORTIOUS CONDUCT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.