

SENATE BILL 190

E4

(PRE-FILED)

4lr0719
CF HB 404

By: **Senator Muse**

Requested: September 26, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 4, 2024

CHAPTER _____

1 AN ACT concerning

2 **Law Enforcement – Wellness Checks – Requirements**
3 **(Gabriel’s Law)**

4 FOR the purpose of requiring a law enforcement agency that receives a certain request for
5 a wellness check of an individual to ~~immediately conduct a wellness check or submit~~
6 ~~a request for the relevant law enforcement agency to conduct a wellness check;~~ take
7 certain actions in response to the request under certain circumstances; and generally
8 relating to law enforcement agencies and wellness checks.

9 BY adding to
10 Article – Public Safety
11 Section 3–531
12 Annotated Code of Maryland
13 (2022 Replacement Volume and 2023 Supplement)

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

16 **Article – Public Safety**

17 **3–531.**

18 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
19 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2) "QUALIFIED REQUEST" MEANS A VERBAL OR WRITTEN REQUEST THAT:

(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.

(3) "WELLNESS CHECK" MEANS AN IN-PERSON VISIT BY A LAW ENFORCEMENT OFFICER CONCERNING THE WELL-BEING OF AN INDIVIDUAL.

(B) (1) ~~IF EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, IF A LAW ENFORCEMENT AGENCY RECEIVES A QUALIFIED REQUEST FOR A WELLNESS CHECK OF AN INDIVIDUAL LOCATED IN THE LAW ENFORCEMENT AGENCY'S JURISDICTION, THE LAW ENFORCEMENT AGENCY SHALL IMMEDIATELY CONDUCT A WELLNESS CHECK OF THE INDIVIDUAL WITHIN A REASONABLE AMOUNT OF TIME AFTER RECEIVING THE REQUEST.~~

(2) IF A LAW ENFORCEMENT AGENCY RECEIVES A QUALIFIED REQUEST FOR A WELLNESS CHECK OF AN INDIVIDUAL WHO IS NOT LOCATED IN THE LAW ENFORCEMENT AGENCY'S JURISDICTION, THE LAW ENFORCEMENT AGENCY SHALL ~~IMMEDIATELY SUBMIT A REQUEST TO THE RELEVANT LAW ENFORCEMENT AGENCY IN THIS STATE OR ANOTHER STATE TO CONDUCT A WELLNESS CHECK OF THE INDIVIDUAL~~ 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

1 **(III) THE INDIVIDUAL HAS REQUESTED THAT THE LAW**
2 **ENFORCEMENT AGENCY NOT CONDUCT WELLNESS CHECKS ON THE INDIVIDUAL IN**
3 **RESPONSE TO QUALIFIED REQUESTS.**

4 **(C) A LAW ENFORCEMENT AGENCY THAT RECEIVES A QUALIFIED REQUEST**
5 **UNDER THIS SECTION SHALL MEET THE REQUIREMENTS OF SUBSECTION (B) OF THIS**
6 **SECTION REGARDLESS OF WHERE THE ~~INDIVIDUAL OR ENTITY~~ PERSON MAKING THE**
7 **QUALIFIED REQUEST IS LOCATED.**

8 **(D) (1) NOTHING IN THIS SECTION MAY BE CONSTRUED TO CREATE A**
9 **CAUSE OF ACTION AGAINST A LAW ENFORCEMENT AGENCY, ITS EMPLOYEES, OR ITS**
10 **AGENTS FOR A FAILURE TO CONDUCT A WELLNESS CHECK IN ACCORDANCE WITH**
11 **THIS SECTION.**

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.