

HOUSE BILL 802

D3, F5

0lr2998

By: **Delegates Cox, Anderton, Arian, Atterbeary, Boyce, Brooks, Buckel, Cain, Cardin, Chisholm, Ciliberti, Corderman, Grammer, Hartman, Hornberger, Kerr, Kipke, Krebs, Krimm, Mangione, McComas, Metzgar, Morgan, Parrott, Pippy, Proctor, Saab, Shoemaker, Smith, Szeliga, Valderrama, R. Watson, Wivell, and K. Young**

Introduced and read first time: February 3, 2020

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2020

CHAPTER _____

1 AN ACT concerning

2 **Civil Actions – Civil Immunity – Educator Intervention in Student Violence**
3 **(Good Teacher Protection Act)**

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

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 5–803
11 Annotated Code of Maryland
12 (2013 Replacement Volume and 2019 Supplement)

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

15 **Article – Courts and Judicial Proceedings**

16 5–803.

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.



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

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

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

(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 (1) THE MEMBER ~~WAS ACTING IN GOOD FAITH TO PROTECT~~
2 ~~STUDENTS FROM HARM~~ INTERVENED IN A REASONABLY PRUDENT MANNER; AND

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.