

SENATE BILL 52

D3

(PRE-FILED)

6lr0512
CF 6lr0518

By: **Senator Simonaire**

Requested: July 27, 2015

Introduced and read first time: January 13, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Immunity From Civil Liability – Forcible Entry Into Motor Vehicle**

3 FOR the purpose of establishing that a certain person is not civilly liable for damages
4 resulting from the person's forcible entry into a motor vehicle for the purpose of
5 removing a child under a certain age under certain circumstances; providing that
6 immunity from civil liability does not apply under certain circumstances; and
7 generally relating to immunity from civil liability for forcible entry into a motor
8 vehicle.

9 BY adding to

10 Article – Courts and Judicial Proceedings
11 Section 5–643
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2015 Supplement)

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

16 **Article – Courts and Judicial Proceedings**

17 **5–643.**

18 **(A) A PERSON WHO FORCIBLY ENTERS A MOTOR VEHICLE FOR THE**
19 **PURPOSE OF REMOVING A CHILD UNDER THE AGE OF 8 YEARS FROM THE MOTOR**
20 **VEHICLE IS NOT CIVILLY LIABLE FOR DAMAGES RESULTING FROM THE FORCIBLE**
21 **ENTRY IF THE PERSON:**

22 **(1) DETERMINES THAT THERE IS NO OTHER REASONABLE METHOD**
23 **FOR THE CHILD TO EXIT THE MOTOR VEHICLE;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) BASED ON THE CIRCUMSTANCES KNOWN TO THE PERSON AT THE**
2 **TIME, HAS A GOOD FAITH BELIEF THAT THE CHILD IS IN IMMINENT DANGER OF**
3 **SUFFERING HARM IF NOT IMMEDIATELY REMOVED FROM THE MOTOR VEHICLE;**

4 **(3) IF PRACTICABLE, CONTACTS THE 9-1-1 DISPATCHER BEFORE**
5 **FORCIBLY ENTERING THE MOTOR VEHICLE;**

6 **(4) USES NO MORE FORCE THAN NECESSARY TO ENTER THE MOTOR**
7 **VEHICLE AND REMOVE THE CHILD; AND**

8 **(5) REMAINS WITH THE CHILD IN A SAFE LOCATION NEAR THE MOTOR**
9 **VEHICLE THAT WAS ENTERED UNTIL THE ARRIVAL OF A LAW ENFORCEMENT**
10 **OFFICER.**

11 **(B) THIS SECTION DOES NOT GRANT IMMUNITY FROM CIVIL LIABILITY TO A**
12 **PERSON WHO:**

13 **(1) ACTS IN A MANNER THAT CONSTITUTES WILLFUL OR WANTON**
14 **MISCONDUCT OR GROSS NEGLIGENCE; OR**

15 **(2) RENDERS AID TO A CHILD THAT IS NOT EXPRESSLY AUTHORIZED**
16 **BY THIS SECTION.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2016.