

HOUSE BILL 1436

D3

7lr3082

By: **Delegate Lisanti**

Introduced and read first time: February 10, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Duty to Render Assistance**

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

9 BY adding to

10 Article – Courts and Judicial Proceedings

11 Section 5–809

12 Annotated Code of Maryland

13 (2013 Replacement Volume and 2016 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 **5–809.**

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) REASONABLE ASSISTANCE INCLUDES:**

2 **(1) EXPEDIENTLY OBTAINING OR ATTEMPTING TO OBTAIN AID FROM**
3 **LAW ENFORCEMENT OR OTHER EMERGENCY RESPONSE PERSONNEL; AND**

4 **(2) PROVIDING DIRECT ASSISTANCE SUCH AS ADMINISTERING**
5 **CARDIOPULMONARY RESUSCITATION, ASSISTING IN WOUND CARE, OR REMOVING**
6 **THE INDIVIDUAL TO A SAFER LOCATION.**

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

9 **(D) (1) AN INDIVIDUAL WHO PROVIDES ASSISTANCE UNDER THIS**
10 **SECTION IS NOT LIABLE FOR ANY CIVIL DAMAGES AS A RESULT OF ACTS OR**
11 **OMISSIONS BY THAT INDIVIDUAL IN PROVIDING ASSISTANCE.**

12 **(2) THIS SUBSECTION DOES NOT PROVIDE IMMUNITY FROM SUIT TO**
13 **AN INDIVIDUAL:**

14 **(I) WHOSE ACT OR OMISSION WAS THE ORIGINAL CAUSE OF**
15 **THE SERIOUS PHYSICAL INJURY;**

16 **(II) WHO ACTS IN A RECKLESS MANNER OR IS GROSSLY**
17 **NEGLIGENT IN PROVIDING ASSISTANCE; OR**

18 **(III) WHO PROVIDES ASSISTANCE DURING THE COURSE OF**
19 **REGULAR EMPLOYMENT AND RECEIVES COMPENSATION OR EXPECTS TO RECEIVE**
20 **COMPENSATION FOR RENDERING THE ASSISTANCE.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2017.