

HOUSE BILL 1363

D3, F5
HB 828/21 – JUD

2lr2527

By: **Delegates Cox, Arentz, Arikan, Boteler, Krebs, McComas, Rose, and Thiam**
Introduced and read first time: February 11, 2022
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Action – Immunity From Liability – School Staff**
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 (2020 Replacement Volume and 2021 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.

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

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

24 (ii) Participating in a judicial proceeding that results from the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 individual's report; and

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

4 1. Under the influence of alcoholic beverages or a controlled
5 dangerous substance;

6 2. In possession of alcoholic beverages or a controlled
7 dangerous substance; or

8 3. Involved in the illegal sale or distribution of alcoholic
9 beverages or a controlled dangerous substance.

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

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

17 (1) In the performance of duties;

18 (2) Within the scope of employment; and

19 (3) Without malice.

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

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

26 **AND**

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

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2022.