

SB0190/413927/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 190
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, after line 2, insert:

“(Gabriel’s Law)”;

strike beginning with “immediately” in line 4 down through “check;” in line 5 and substitute “take certain actions in response to the request under certain circumstances;”.

AMENDMENT NO. 2

On page 1, in line 19, after “**THAT**” insert “**;**”

(I);

and in line 20, after “**RESPONSE**” insert “**;** **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”.

On page 2, in line 1, strike “**IF**” and substitute “**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, IF**”; in line 4, strike “**IMMEDIATELY**”; in the same line, after “**INDIVIDUAL**” insert “**WITHIN A REASONABLE AMOUNT OF TIME AFTER RECEIVING THE REQUEST**”; strike beginning with “**IMMEDIATELY**” in line 8 down through “**INDIVIDUAL**” in line 10 and substitute “**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"; after line 10, insert:

“(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

(III) THE INDIVIDUAL HAS REQUESTED THAT THE LAW ENFORCEMENT AGENCY NOT CONDUCT WELLNESS CHECKS ON THE INDIVIDUAL IN RESPONSE TO QUALIFIED REQUESTS.”;

in line 13, strike “INDIVIDUAL OR ENTITY” and substitute “PERSON”; and after line 14, insert:

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

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