

HB1490/232218/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1490
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “circumstances;” insert “providing that certain requirements for filing an action under the Maryland Tort Claims Act do not apply to an action under this Act; requiring a certain notice to the Treasurer under certain circumstances;”; and in line 11, after “12-101(a)” insert “and 12-106”.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 29 through 34, inclusive, and substitute:

“(15) A PERSON, OR AN OFFICER, DIRECTOR, EMPLOYEE, OR AGENT OF THE PERSON, WHO VOLUNTARILY BROADCASTS AN AMBER ALERT THAT A MINOR HAS BEEN ABDUCTED AND IS IN DANGER IF THE PERSON:

(I) IS A PARTY TO A MEMORANDUM OF UNDERSTANDING REGARDING THE AMBER ALERT PLAN ENTERED INTO BETWEEN THE MARYLAND STATE POLICE AND THE MARYLAND-DISTRICT OF COLUMBIA-DELAWARE BROADCASTERS’ ASSOCIATION, INC.;

(II) HAS ESTABLISHED STANDARD OPERATING PROCEDURES APPROVED BY THE MARYLAND STATE POLICE THAT INCLUDE PROCEDURES GOVERNING:

1. THE MANAGEMENT, RECEIPT, DISSEMINATION, AND BROADCAST OF THE AMBER ALERT INFORMATION PROVIDED THROUGH THE EMERGENCY ALERT SYSTEM BY THE MARYLAND STATE POLICE;

(Over)

2. WHICH DIRECTORS, OFFICERS, EMPLOYEES, AND AGENTS OF THE PERSON ARE AUTHORIZED BY THE PERSON TO RECEIVE THE AMBER ALERT INFORMATION PROVIDED THROUGH THE EMERGENCY ALERT SYSTEM; AND

3. WHICH DIRECTORS, OFFICERS, EMPLOYEES, AND AGENTS OF THE PERSON ARE AUTHORIZED BY THE PERSON TO DISSEMINATE THE AMBER ALERT INFORMATION PROVIDED THROUGH THE EMERGENCY ALERT SYSTEM; AND

(III) REQUIRES EACH OFFICER, DIRECTOR, EMPLOYEE, AND AGENT WHO IS AUTHORIZED BY THE PERSON TO RECEIVE OR DISSEMINATE THE AMBER ALERT INFORMATION PROVIDED THROUGH THE EMERGENCY ALERT SYSTEM TO CONSENT TO, IN WRITING, OR EXECUTE THE MEMORANDUM OF UNDERSTANDING DESCRIBED IN THIS ITEM.”

AMENDMENT NO. 3

On page 3, before line 35, insert:

“12-106.

(a) (1) This section does not apply to a claim that is asserted by cross-claim, counterclaim, or third-party claim.

(2) SUBSECTION (B)(1) AND (2) OF THIS SECTION DO NOT APPLY TO AN ACTION AGAINST A PERSON OR AN OFFICER, DIRECTOR, EMPLOYEE, OR AGENT OF THE PERSON UNDER § 12-101(A)(15) OF THIS SUBTITLE.

(b) A claimant may not institute an action under this subtitle unless:

(1) the claimant submits a written claim to the Treasurer or a designee of the Treasurer within 1 year after the injury to person or property that is the basis of the claim;

(2) the Treasurer or designee denies the claim finally; and

(3) the action is filed within 3 years after the cause of action arises.

(C) IF AN ACTION UNDER THIS TITLE IS FILED AGAINST A PERSON, OR A DIRECTOR, OFFICER, EMPLOYEE, OR AGENT OF THE PERSON DESCRIBED UNDER § 12-101(A)(15) OF THIS SUBTITLE, THE PERSON SHALL SUBMIT WRITTEN NOTICE OF THE ACTION TO THE TREASURER WITHIN 30 DAYS OF THE DATE THAT THE ACTION IS FILED.”