

(C) PENALTY FOR EMPLOYEES, OFFICERS, OR DIRECTORS AND OTHER VIOLATORS.

AN EMPLOYEE, OFFICER, OR DIRECTOR OF A PRIVATE FACILITY OPERATOR OR ANY OTHER PERSON, WHO KNOWINGLY PARTICIPATES IN A VIOLATION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(D) ADDITIONAL LIABILITY.

IN ADDITION TO ANY OTHER PENALTIES SPECIFIED IN THIS SECTION, AN INDIVIDUAL WHO IS ADMITTED OR HELD AGAINST THE INDIVIDUAL'S WILL BY A PERSON WHO IS OPERATING A PRIVATE FACILITY WITHOUT A LICENSE MAY RECOVER CIVIL DAMAGES FROM THAT PERSON AND FROM ANY OTHER PERSON WHO KNOWINGLY PARTICIPATES IN THE ADMISSION OR DETENTION.

REVISOR'S NOTE: Subsection (a) of this section is new language derived without substantive change from former Article 59A, § 20(a) and revised in the standard language used to express a prohibition against operating a private facility without a license.

Subsection (b) through (d) of this section formerly appeared as Article 59A, § 23.

In subsections (a) and (b) of this section, the word "operate{s}" is substituted for the reference to "admit, receive or retain any mentally retarded person for the purpose of care or treatment of such mental retardation", for brevity and conformity to § 7-402 of this title, which refers to rules and regulations for "operating" a private facility.

In subsection (a) of this section, the former reference to the use of a private facility "for the purpose of care or treatment of such mental retardation" is deleted as unnecessary in light of the definition of "private facility".

Subsection (b) of this section is revised to clarify that the operator, rather than the facility, violates this section.

In subsections (b) and (c) of this section, the phrase "violation of this section" is substituted for the references to "violation of § 20 of this subtitle" and "violation of subsection (a) above" to reflect the revision of those provisions together in this section.